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Volume XXXII

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TRB

from Washington ®
September 17, 1977

The Recidivist

Mrs. Louise Bailey has worked in the J. P. Stevens Co. textile plant at West Boylston, Montgomery, Alabama for 36 years. Her mother started at the mill at 12 and had six children. When they were old enough they went into the plant, too. Mrs. Bailey has three children. She's a spinner; she gets less than $100 a week. And she's frightened.

"Now listen," she told a House subcommittee under Representative Frank Thompson, Jr., of New Jersey recently, "I'm scared every day I go in that plant because I'm a strong union worker. I feel quilty, just sick to my gut, because when I go in there now, I don't know whether I'm going to have a job or not.

"If I lose my job—I have a little young boy in college, just starting. I know that he would have to come out of that college." She stopped and thought about it. "I worry about what will happen to my little boy in college."

Chairman Thompson took his subcommittee down to Roanoke Rapids, North Carolina for the hearings and asked representatives of the J. P. Stevens Company, with 45,000 employees and $1.5 billion net sales around the world, to appear. They didn't. There are several Stevens plants in the vicinity. Louis Harrell was one of the workers. He testified huskily. He worked there 26 years, he said. He quit, he explained: "I got to breathing so bad." Diagnosis: byssinosis (brown lung). That was a couple of years ago.

Mr. Thompson: Are you receiving any money benefits for your illness?

Mr. Harrell: No, sir, not yet.

With a union, Harrell thought, the brown lung drop-outs would get faster attention; maybe cotton dust would be reduced, too.

It's a curious contest, this one between Mrs. Bailey and Lou Harrell on one side and the gigantic textile conglomerate on the other. Stevens probably makes the sheets you sleep on tonight (Utica and Tastemaker). It's the second largest textile firm in the country. And ingenious; it has found that a big firm doesn't really have to obey that 1935 Wagner Act. It's free enterprise. Forty-two years after the law declared it "the policy of the United States . . . [to encourage] the practice and procedure of collective bargaining," J. P. Stevens has found it cheaper to pay occasional fines in low-wage states than to obey the law. Crime Pays.

Do I exaggerate? Here are excerpts from the finding of the Second Circuit Court of Appeals, handed down on August 31. In fairness to Stevens it should be said that the court is probably a little bit miffed. In earlier cases ("Stevens I and II") the Court upheld the National Labor Relations Board's finding "that Stevens had engaged in massive violations of its employees' rights . . . " Now it is shocked to discover that "these cases marked only the beginning of Stevens's battle with the union" that got it the reputation of "the most notorious recidivist" in the field of labor law. ("Recidivist" has a nasty sound but I guess a Federal court can use it without libel: "one who relapses into crime.")

The Court finds none of the new transgressions as imaginative as earlier ones, when for example in 1973 Stevens bugged the motel room where the union was organizing its campaign. But the court found that Stevens had coerced and fired employees: "the pattern of using minor or non-existent rules to harrass union organizers is unmistakable."

Courts take a rather dim view of firms like Stevens, which "has acted in contempt of our court decrees not once but twice, involving over 30 individual violations." The Court threatened compliance fines, but suspended them. But it told board chairman James Finley and president Whitney Stevens to go stand in a corner. Yet, they must mail out a copy of the contempt adjudication order and an appropriate notice to all employees of the plants involved, and to each of the company's plants in North and South Carolina (where 63 of its 85 mills are located). These certify, in effect, that they know they have been bad boys. Harsh, eh?

The fact remains that Stevens has

(continued on page 46)

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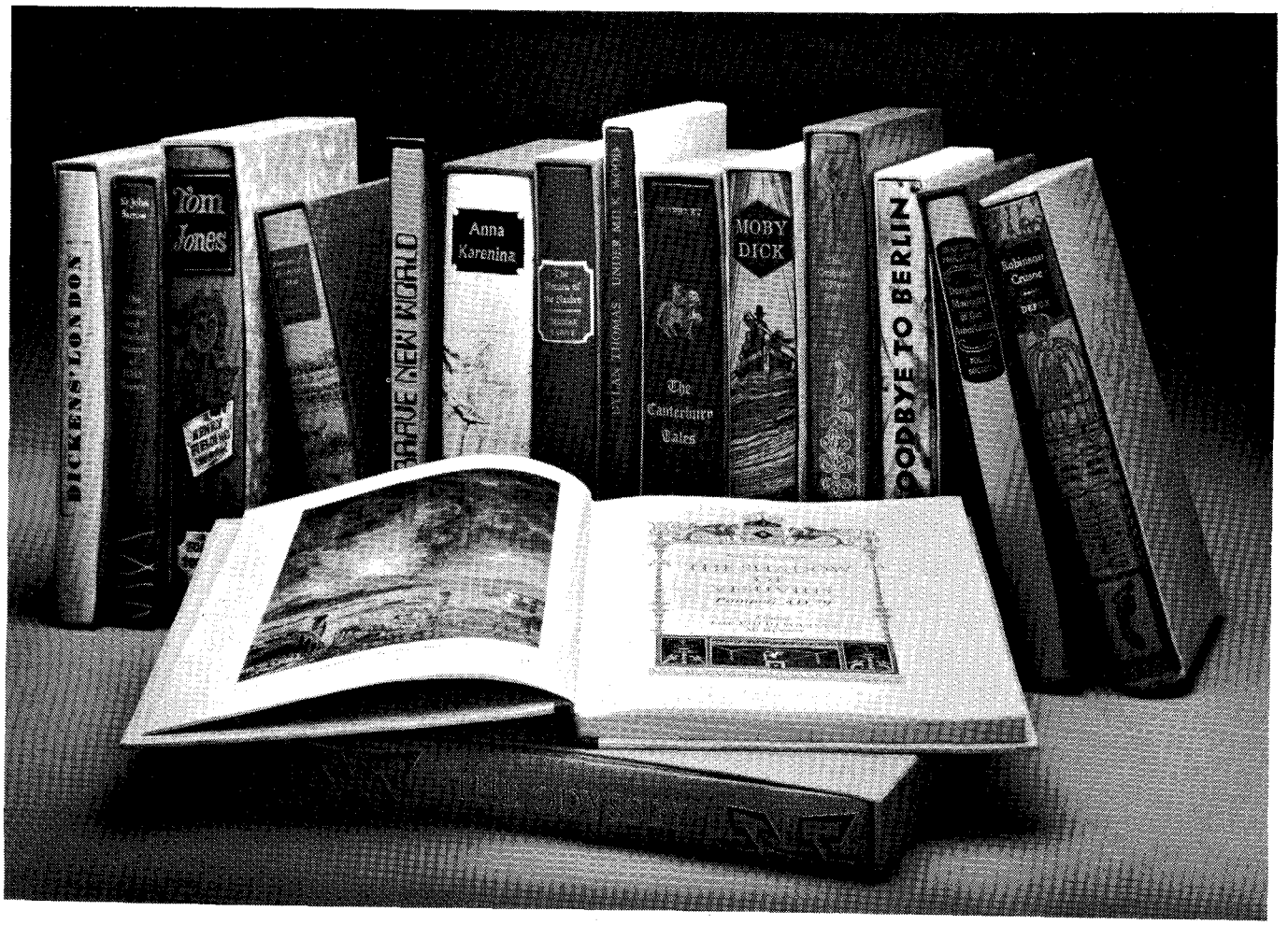

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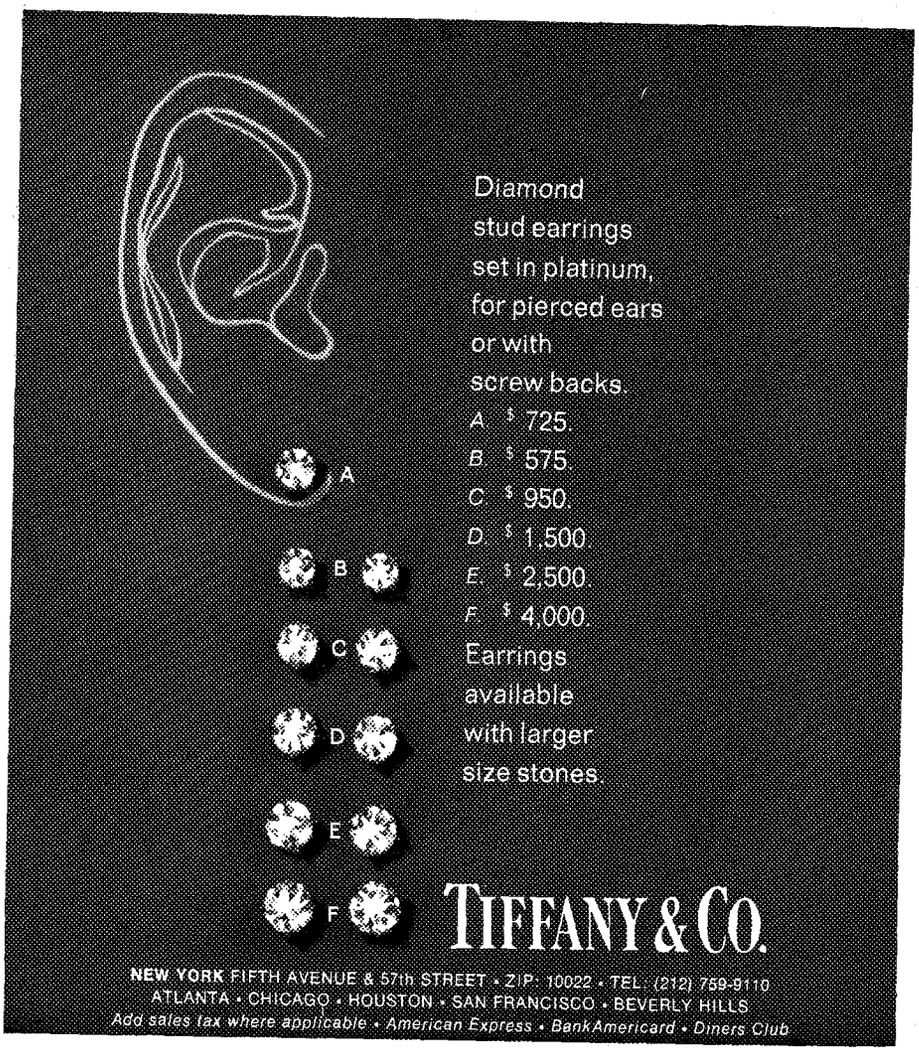

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THE NEW REPUBLIC

September 17, 1977

Let Them Eat Words

Because reality takes a little while to soak in, public opinion always lags slightly behind the times. About 18 months ago, when it really mattered to know for sure, the American electorate was divided in equal thirds in its characterizations of Jimmy Carter of Georgia. Some thought him liberal, some moderate, some conservative. Now, the pollster Louis Harris reports, public perceptions have begun to settle out a bit. Some people who supported him and some who didn't still aren't sure about Carter, but there is a decided bulge in the categories labeled "moderate" and "conservative." Only 15 percent of the American public still considers the President a liberal.

Those findings follow a new chorus of self-righteous criticism of the administration by leaders of black political and social organizations who are dissatisfied to have discovered that Carter's most conservative streak seems to be in areas that affect their constituents. Vernon Jordan, director of the National Urban League, put it this way: "Jimmy Carter is not following the first rule of politics—help those who help you."

Black political leaders like to say that black votes put Jimmy Carter in the White House. Without black support in both the north and the south, they avow, he wouldn't be President. Obviously in an election as close as the one last November, any number of voting blocs can make that same claim. George Meany regularly makes it for organized labor. Arguably the white moderates in the South and border states who broke their Republican habit on Carter's behalf also put him over, likewise the normally Republican suburbanites who ring the northern cities. Neither of these groups is an ardent supporter of the social programs favored by blacks.

Nevertheless, blacks believe they bear a special responsibility for Carter's success. Carter received over 90 percent of the black vote nationwide, and blacks provided his margin in at least 13 states. Perhaps more important, black votes in the early southern primaries verified Jimmy Carter's claim that he could whip George Wallace in the region Wallace previously owned. Now, as black leaders see it President Jimmy Carter is rewarding his margin and ignoring his base.

The Democratic black establishment never has been particularly close to Carter's inner circle. After eight years of expanding their influence in presidential nominating politics, most prominent black Democrats held back in 1976, waiting for the crowded field to sort itself out. One of Carter's black organizers says now, "Everybody waited for the national leadership to deliver the votes to the designee of the liberal wing of the party." Knowing that would likely not be the ex-Governor of Georgia, Carter's people ignored the established black leadership and organized a base of their own in key states. When the fog lifted, there was only one ship leaving port, and the would-be power brokers found themselves scrambling to get on board with Carter. Then black Democratic leaders turned right around and sold Carter to their followers with the zeal of late converts. Here, they said, is not just your ordinary, run-of-the-mill Democratic liberal; here is a man who grew up poor amidst poverty, who was raised side-by-side with blacks, who understands black culture and black aspirations. "Now it's difficult for any black leader who pushed the election of Jimmy Carter to face the people he campaigned with," says Mayor Richard Hatcher of Gary, Indiana.

Black leaders suspected they'd bought a pig in a poke, but it took a little time for them to find out how badly they'd been stuck. Except for Andrew Young—who, by force of his enormous ability and personality has transformed the United Nations ambassadorship into a genuine cabinet position—the number and calibre of blacks appointed to administration jobs was disappointing. But in the honeymoon days of the administration, black leaders held their fire. They remained on the sidelines and watched the budget-balancing, better-business-climate priorities of Bert Lance and Jimmy Carter take shape. Last March, when Parren Mitchell, chairman of the Congressional Black Caucus, asked for a meeting with the President on the subject of full employment, a White House assistant explained that no time was available. Even when the administration dismissed Vernon Jordan's critical appraisal in a

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keynote address to the National Urban League in Washington as "erroneous and demagogic," and warned that any more such criticism could be damaging to the hopes and aspirations of the poor, black leaders tended to play down the whole matter as merely differences among friends, resolvable with time and good will. They believe that Jimmy Carter will be re-elected in 1980, but they don't want him to wait until 1979 to unveil responses to black demands and thereby reassure himself a strong black base.

As it happens, Jordan's speech opened the floodgates. Fifteen black leaders gathered recently at National Urban League headquarters in New York, in hope of rekindling the spirit of the old civil rights movement on behalf of an economic coalition that includes representatives of blacks, the poor and the cities. Among those invited were Jordan, Hatcher, Parren Mitchell, Bayard Rustin, Coretta Scott King, the Reverend Jesse Jackson of Operation PUSH in Chicago, Benjamin Hooks of the NAACP and Carl Holman of the National Urban League. The initiative is inspired by Jordan, outspoken and persistent and emerging as a thoughtful tactician with a sufficiently independent cast of mind to confront a President eyeball to eyeball. Black leadership in this country has been splintered and quiescent since the assassination of Martin Luther King, Jr., at about the time Vietnam was eclipsing civil rights as the cause of conscience among the American public. Jordan's initiative is welcome and much needed right now.

The centripetal force right now is what Hatcher terms "retrenchment" by the administration on a series of promises that seemed definite enough when Carter was campaigning for black votes a year ago: full employment, rebuilding cities, welfare reform and tax reform, among others. Black leaders fear, and with good reason, that if President Carter stands firm on his pledge to balance the budget by 1981, there simply will be no funds for the programs to aid the cities and the poor that were written into the 1976 Democratic platform with Carter's approval.

Black criticism has grown more blunt. Jesse Jackson now accuses Carter of "callous neglect." Over the Labor Day weekend, the point was driven home by Labor Department statistics indicating that the recent trend of declining unemployment has reversed itself, almost entirely to the further detriment of blacks. At 14.5 percent, black unemployment is more than double the rate for whites, and is now higher than at any time since World War II. Among black teenagers, unemployment is an astonishing 40.4 percent. What this means is simply that blacks have not participated at all in the national recovery from the 1975 recession. Jobs are the number-one item on the agenda of every black organization and on the agenda of every labor union in the country, but it is nowhere near that high on the list of priorities in the Oval Office.

Talking with black leaders, the same phrase keeps cropping up: "economic parity." That obviously is a long term proposition. Most of the proposals in the administration's unannounced urban program also are long term answers. For example, that program reportedly will include special government grants, tax incentives and other inducements to lure businesses back to the inner cities, where so much of the joblessness is concentrated—something like a domestic development bank. Experience with the instant, direct-grant mechanisms of previous Democratic administrations evidently has proved that the problems are too deep and too pervasive for the federal government to deal with alone. Only when private industry is willing to return investment to the run-down core cities, thereby creating a permanent employment base, can those areas be revived.

So much for the distant future. It is not often that we find fault with a President for failing to respond to obvious pressures of the moment in favor of more permanent remedies to long range problems. In this case, however, the statistics of black unemployment justify the cry of black leaders, "What are you doing for us *now*?"

It's obvious what is needed: an immediate, expanded jobs program directed at unemployment among blacks and teenagers in central cities. For Carter to reach his goal of five percent unemployment by the end of his first term, he has to tackle the problem here, at its core, and now. If unemployment is not to become a permanent and hopeless fact of life for a large part of an entire generation of young black Americans, it is going to take some money, federal dollars, up front. That prospect may not be greeted with clamors of great joy in the halls of Congress, not even in some quarters within the President's own party.

Senator Richard Lugar is a conservative Republican, and also a former mayor of Indianapolis. He summed up the problem this way: "Jimmy Carter, better than almost anyone else, knows what the people of this country are thinking. He knows that three-quarters of them aren't listening to Vernon Jordan. Most people in this country, sad to say, don't want to do *anything* about poor blacks or about these dying old cities." Mr. Lugar may be right. If so, he has just defined the task of presidential leadership for the moderate-to-conservative Jimmy Carter.

Only Joking, Folks

We have received the following dispatch from the Reuters news service:

> *Washington, Aug. 29, Reuter - A former prostitute who once helped the Central Intelligence Agency (CIA) in its mind-control experiments has revealed how she lured a man*

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Correspondence

Fiscal integrity

To the editors:

Your August 6 & 13th Washington Diarist writes with reference to Bert Lance—"it is plain now that when it comes to fiscal integrity he is no Arthur Burns." Burns is a poor choice for such comparison.

Burns probably had more influence on national economic policy than any other person during most of Eisenhower's presidency, and during all of the years when Nixon and Ford were in the White House. His record was one of failure.

During Eisenhower's eight years in office we had five federal deficits. Unemployment increased by almost two million persons while he was in office. There was a deficit in all but one of Nixon's years in office. Deficits continued under Ford. In 1976 we had the highest deficit in all of our history even including the years of World War II. What happened to our economy during Nixon's presidency we all know. We had the worst recession since the great depression of the '30s. While Ford was President there was little significant improvement.

There is no mystery about what happened to our economy when Burns' economic policies were being followed. The mystery is how a man whose economic advice has consistently led to disaster can continue to receive accolades as a great economist, and who is even used as an example of "fiscal integrity."

John C. Davis
New Port Richey, Florida

Mr. Davis was formerly an economist with the President's Council of Economic Advisors.

Puerto Rico

To the editors:

As Puerto Rico's elected representative to Congress, I would like to express my disagreement with certain statements in Jonathan Evan Maslow's article "Puerto Rico, the 51st State?" (July 2). JEM alleges a close relationship between mainland Republicans and the New Progressive Party of Puerto Rico, led by Governor Carlos Romero-Barcelo, who assumed office in January.

In fact, the New Progressive Party is an independent party not affiliated to any of the two national parties.

I am a member of the New Progressive Party and was elected on a ticket with Governor Romero; yet I endorsed Jimmy Carter in March 1976, and now serve as a member of the Democratic Party Caucus in Congress and also as a member of the National Democratic Congressional Committee.

JEM also fails to mention that of the 22-member Puerto Rican delegation to the 1976 Democratic National Convention nine were members of the New Progressive Party committed to Jimmy Carter from the start.

We in Puerto Rico are looking for bipartisan support in the mainland for federal plans and programs badly needed in our island to improve our economic and social conditions. That's why in Congress I initiate and participate in efforts to bring to Puerto Rico federal funds, not as an instrument of dependency but as an instrument of economic and human development for three million Puerto Ricans who are citizens of the United States. Funds not just for welfare, but for economic recovery, jobs, education, housing, health, transportation and communications as well.

We Puerto Ricans look to ourselves, to Democrats, to Republicans and to anyone who is willing to help an island which, in spite of shortcomings, is more developed than any of the Latin American nations, is fully committed to the principles of democracy and buys from the United States more goods and services than any of the nations of the Western Hemisphere with the exception of Canada.

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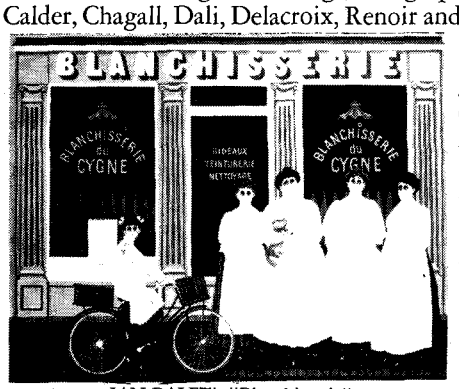

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to a wild session in a house set up by the spy agency.

Involved in the plot were a meticulous CIA man named Arp, a timid veterinary surgeon named John Mish, an unnamed magician who showed her how to lace her client's drink with the mind-bending drug LSD, and the former prostitute, Maggie Scarf.

In a story headlined "I Was a Hooker for the CIA" in the latest issue of the weekly journal, The New Republic, *Miss Scarf tells of her brief experience with the CIA's secret experiments, code-named MK-ULTRA, to control human behavior . . . .*

The man tore off all his clothes, ran around the room reciting the children's book "Black Beauty," turned somersaults, spoke in terms full of innuendo about his pet poodle, and then leapt up on the sofa and jumped across to the drapes and started swinging from them before falling to the floor and knocking himself unconscious.

"I'd had enough human behavior to last me a lifetime," Miss Scarf said.

The incident took place in the late 1950s, she said.

The CIA had no immediate comment on her story.

In case any other readers were misled, the story was supposed to be a joke. Maggie Scarf is a freelance writer, former Nieman Fellow at Harvard and currently a fellow of the Center for Advanced Studies in the Behavioral Sciences at Stanford. She is the mother of three and wife of a professor of economics at Yale. She has never been a prostitute.

White House Watch

Dumping Bert

President Carter and several of his White House assistants—in this instance mainly staff chief Hamilton Jordan, Press Secretary and general advisor Jody Powell, and Counsel Robert Lipshutz—strove with cold and brutal calculation to keep their true and dear friend Bert Lance and his problems from totally wrecking the week that almost was. A measure of their success and a definition of the week in question were provided by *Washington Post* cartoonist Herblock's depiction of a character with microphone in hand yelling at a bulbous caricature of Bert Lance as he stood between cameras and the President in the act of signing the Panama Canal treaties: "Sir, do you mind stepping aside?"

Like any simplified reference to the complex Carter White House, the foregoing demands clarification. Let's begin with "staff chief Hamilton Jordan." Carter is committed to not having a chief of staff and Jordan repudiates any suggestion that he is what the President says nobody in his service can be. All that is heard around the White House, including a few developments to be noted in this report, indicated that Jordan (pronounced jerden, one is obliged to note intermittently) has evolved over the first seven Carter months into what may fairly be dubbed a chief of the White House staff and he will be so designated in this space from now on. Thanks to Jimmy Carter's iron refusal to acknowledge that he was wrong when he said during his campaign for nomination and election and after he was inaugurated that he doesn't need a chief of staff, Jordan still lacks the certified authority that any assistant in his spot would need to be fully effective. Gerald Ford's staff chiefs, Donald Rumsfeld and Richard Cheney, were never granted the authority they thought they needed, either, but they were reasonably effective without it. Without anybody including the President having to say he is, Hamilton Jordan is authorized to move and observe and suggest and on occasion say what must be done, in both domestic and foreign policy discussion and formulation. That makes him Carter's chief of staff, hobbled though he continues to be by the President's refusal to give him a full and explicit commission. Jordan is practiced at saying he doesn't want and Carter doesn't want to give him the kind of commission that Haldeman, Haig, Rumsfeld, Cheney had under Nixon and Ford. I more and more read Jordan to mean, though I've never heard him say it, that in fact he has the mission and the authority, so—to hell with the explicit commission.

Which brings us to the aforementioned week that almost was, to the coincidences that made it impossible to keep Bert Lance and his difficulties from marring the week, and to the White House operation supervised by Hamilton Jordan that for the remainder of the Carter presidency will be aimed at mobilizing domestic support—your and my and congressional support—for Carter foreign policy positions.

The week was to have been and almost was Panama Canal week. Jimmy Carter deserved an unspoiled season of tribute to him for the courage that he had displayed in bringing to good conclusion negotiations that Lyndon Johnson began in 1964, Richard Nixon and Henry Kissinger revived and put into a workable frame, Gerald Ford kept alive and Carter during his campaign for election imperilled with his chatter about retaining "practical control" of the canal forever. Therein lies his courage. When he absorbed the full facts after his inauguration—he probably understood them all along, but skip it—he abandoned his campaign equivocations. He invited 24 heads of Latin American states and governments to the signing of treaties with Panama that, if they survive the demagogic opposition of our Ronald Reagans and the genuine mistrust of Americans who identify permanent ownership and control of the Panama Canal with American destiny and pride, should enable the US to protect its security interests while

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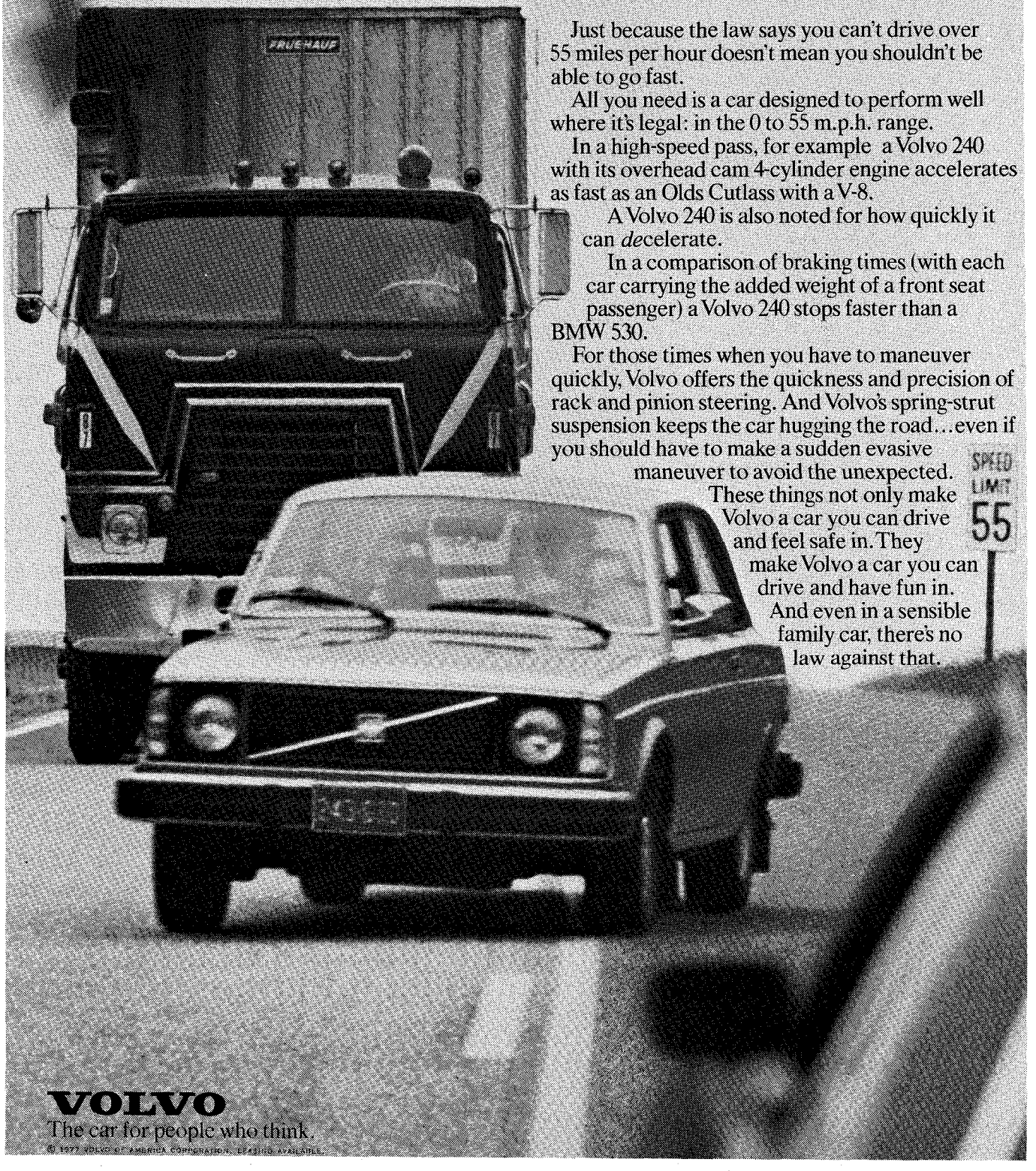

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gradually relinquishing—by the year 2000!—ownership and domination that by that time will make us the last practicing colonialists in our hemisphere.

Here we get back to Hamilton Jordan (as, sad to say, we'll be getting back to Bert Lance before this piece ends). Somewhere around the turn of last June and July, Jordan and Robert Lipshutz and Jody Powell and other members of Carter's senior staff concluded that something more than had been done in the first Carter months had to be done to organize and mobilize domestic support for the President's major foreign policy positions. It was the sort of conclusion that never comes to much unless it's either initiated or is backed by the President. So wary have Jimmy Carter's assistants become of attributing anything to him that he hasn't authorized them to say he has or hasn't done that nobody at the White House would acknowledge that he'd had anything to do with a thoroughly sensible development. "It just sort of evolved among us, on the basis of our experience in these first months," Robert Lipshutz said the other day.

Jordan oversees the exercise. Lipshutz shares the general oversight. He also follows with particular care events in the Middle East and the evolution of US policies toward Israel and its Arab neighbors that require or may later require justification to the American public. Landon Butler, Jordan's chief subordinate, assists in management of the whole operation and concentrates upon strategic arms negotiations with the Soviet Union. Because they have come a cropper of late and the interim SALT agreement that Ford and Kissinger negotiated at Vladivostok in 1974 is about to expire, about all that Butler has to organize support for at the moment is faith that something good and useful will emerge from the current stalemate. A junior Jordan assistant, Betty Rainwater, has been assigned to bone up on present and prospective US relationships with the Taiwan and Peking Chinese governments. She is preparing to organize domestic support for whatever position turns out to require support. The President's people are anxious that her assignment not be interpreted as a prelude to abandonment of the anti-Communist Taiwan government. I interpret it as a prelude to a muddled and probably unworkable formula for recognition of the Peking Communist government without total abandonment of the Taiwan government. In the meantime, and that may be a very long time indeed, Betty Rainwater is working with Joseph Aragon, the Jordan assistant principally responsible for staging the elaborate Panama treaty pageant and the protracted fight for congressional approval that must follow.

The treaty extravaganza was just getting started when a series of events that best speak for themselves began at the White House on Friday, September 2. Up to then the President and his assistants and spokesmen had maintained the total support for Bert Lance that Carter declared on August 18 when the first of two reports by the federal Comptroller of the Currency on Lance's record as a banker and borrower was released. The central supporting argument, voiced day after day by Jody Powell at his press briefings, was that nothing had been alleged or disclosed in the continuing torrent of news reports and speculation that would cause the President to let a good man, meaning of course his director of the Office of Management and Budget, be "run out of government." On the Friday morning when everything began to change, Secretary of the Treasury W. Michael Blumenthal and Deputy Secretary Robert Carswell briefed Hamilton Jordan and Robert Lipshutz in general terms on what to expect in a second report that Comptroller John Heimann planned to submit to the Senate Committee on Governmental Affairs the following Wednesday. That happened to be the day when President Carter and Panama's dictator, General Omar Torrijos, were to sign the two canal treaties.

Heimann had said when he made his first report that there would be a second report on matters still under investigation, including allegations that Lance and other officers of the National Bank of Georgia in Atlanta had misused planes that the bank owned and leased while Lance was its president and chief executive officer. Lipshutz was awaiting the second report and, I was told afterward, was not particularly disturbed by the impression of it that he got from Blumenthal and Carswell. Jordan was disturbed, for a reason that seems incredible but is vouched for by an official who must be believed. Jordan, Lipshutz and Jody Powell were the three assistants upon whom the President had relied for analysis of the first report and whose advice he had accepted when he declared his total confidence in Lance after it was made public. Yet, I am told and am compelled to believe, Jordan had not realized that there was to be a second report. It was the news that there was to be one, not what Blumenthal and Carswell told him about it, that upset him, presumably because of the prospect that it would assure continuance of the uproar over Lance and the necessity for daily White House response to rumors and allegations about Lance. Jordan had previously arranged to visit Lance, who was vacationing at his home on Sea Island, Georgia. Jordan spent Saturday and Sunday morning there with Lance and his wife, LaBelle.

Over that Labor Day weekend Lance retained former Secretary of Defense Clark Clifford, who must be among the most expensive lawyers in Washington, to represent him at hearings that Senator Abraham Ribicoff and his governmental affairs committee were to reopen on September 7 and at which Lance was to appear September 8. On Labor Day afternoon Lance and his wife appeared at the White House and spent about 30 minutes in private discussion with Carter, who had cut short a holiday stay at nearby Camp David and returned that afternoon. Two other visitors, Ribicoff and Senator Charles Percy of Illinois, the

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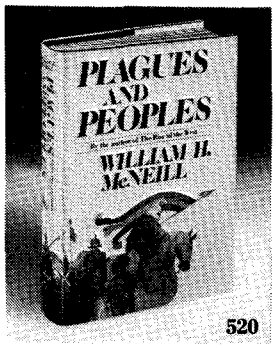

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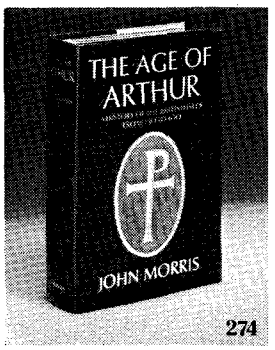

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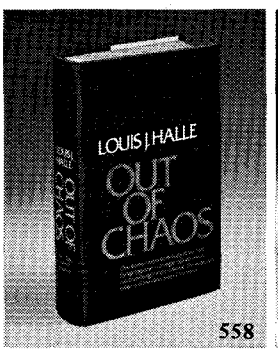

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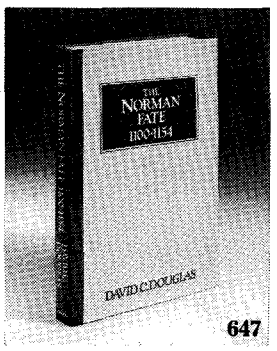

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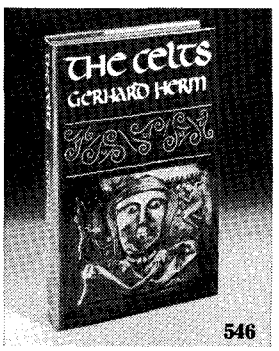

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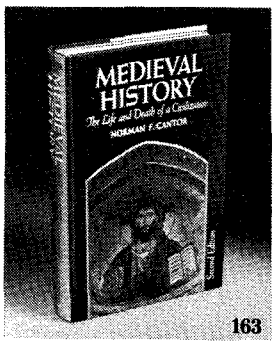

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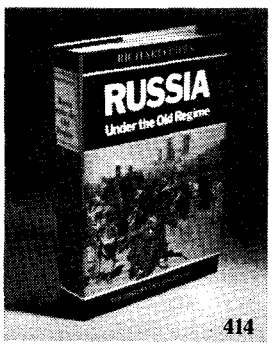

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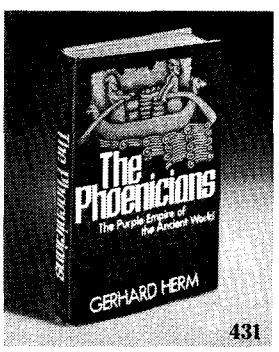

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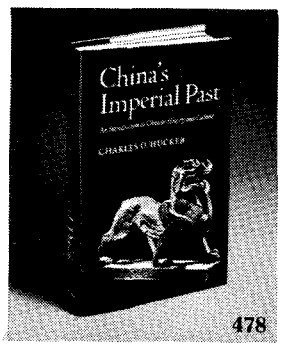

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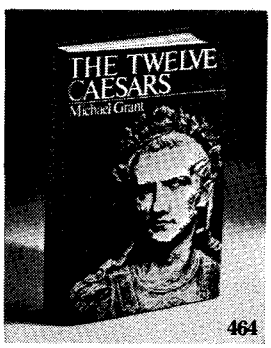

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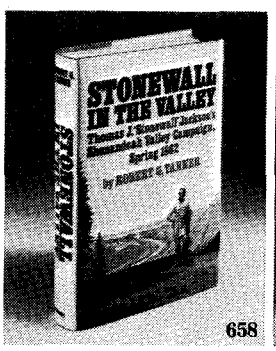

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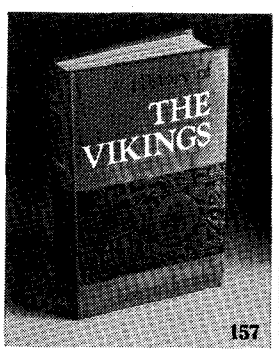

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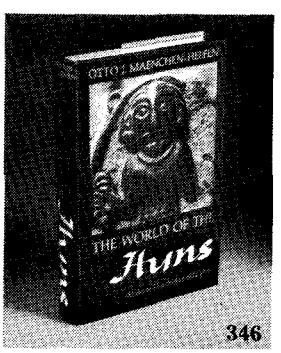

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committee's ranking Republican member, conferred with Carter after the Lances left. Ribicoff and Percy, who had lavishly endorsed and praised Lance at his confirmation hearing in January and at another hearing in July, announced after their meeting with Carter that they had told the President it was time for Lance to resign or at least to relinquish office until their committee, another Senate committee and a House subcommittee completed new investigations of Lance and studies of the banking laws and regulations that his extremely loose practices as a Georgia banker and chronic borrower from his own and other banks had brought into question. Ribicoff and Percy said they wouldn't have voted to confirm Lance in January if they had known then what they knew now. Exactly what they knew that was bad enough to have changed their view of Lance they didn't say, but it was clear that he'd have little or no chance of surviving another hearing before their committee.

The Comptroller's report duly appeared, made a predictable splash and, on my inexpert reading, added little of substance to the record of borrowings, overdrafts and unconscionably sloppy banking practices that had already been established. The Comptroller's referral of a separate report on the use of bank planes to the Department of Justice seemed ominous, but actual wrongdoing had yet to be proved and Lance wouldn't be the first executive who had regarded his company's planes as his own. It was clear that neither the acting comptroller in charge of that office last year nor Lance himself had come clean with the Ribicoff-Percy committee on several matters, among them the termination of a Department of Justice investigation of the financing of Lance's campaign for the Georgia governorship in 1974 and the cancellation of an arrangement for special oversight of Lance's former bank at Calhoun, Georgia, shortly before Carter announced his intention to nominate Lance last December. It was equally clear, though not equally noted in the media, that the committee could have but didn't spot the need for and demand the information that Lance and others failed to volunteer.

All of that and a good deal more, including a disgracefully vague and unsubstantiated news report that a former Lance associate who had embezzled more than a million dollars from Lance's Calhoun bank had somehow "involved" Lance in the embezzlement, made it all but certain that Jimmy Carter will soon lose the services and counsel of his friend and budget director, by dismissal or resignation.

What interested me more, however, was the unannounced but deliberate decision at the White House in early September to stop defending Bert Lance and let him defend himself from then on. Even more interesting was the prompt collapse of that intention. Jimmy Carter had gone farther than he and his people had realized in identifying himself and his presidency with Bert Lance and his competence and integrity. Carter could not get off the hook he'd made for himself. The day the comptroller's second report appeared, and thereafter, Jody Powell found himself defending Lance as he'd been doing since July, with an important difference. The White House defense, once strong and impassioned, was suddenly reluctant, weak and more damaging to the Carter presidency than the allegations against Lance had been.

John Osborne

A country suffering from a bad press.

South Korea With Sympathy

Seoul

From reading the American press, one expects to encounter in South Korea one of the world's most rigid dictatorships—a jailhouse state ruled near-absolutely by a relentlessly power-thirsty little man commanding a secret police organization as pervasive and fearsome as any on earth. President Park Chung Hee's regime in South Korea has a reputation rivaling Pinochet's in Chile and Greece under the Junta, and his KCIA is commonly likened to the dreaded DINA and Iran's SAVAK. A *Washington Post* editorial last year termed Park "a despot as spoiled as any" and compared him—unfavorably—to his North Korean antagonist, Kim Il Sung. The tone of American news reporting conveys the impression that huge numbers of South Korean democrats are in prison, and undoubtedly undergoing merciless torture. One expects from his press notices to see Park's picture in every city square and to hear criticism of him, if at all, only in whispers.

The American newspapers do not exactly say it, but they convey the impression that the horrors visited on South Korea's people somehow are America's fault. Our military has been in the country for 27 years and we have given some $12 billion in military and economic aid. But what has our tutelage produced? Not a democracy, but a force of Asian *Tontons Macoutes* named after our CIA and a presidential palace called the Blue House. The Tongsun Park affair seems another case of America's sins coming home to roost. Propped up so long, the Korean dictatorship tried to secure a permanent American connection, one is led to believe, by seducing members of Congress with money, women and birthday parties. The press's name for the scandal—"Koreagate"—implies a monstrous conspiracy involving attempted subversion of an entire branch of government.

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Join The Union... Or Else.

Sammy Kirkland spends most of his time these days on a hog farm, away from his home in Ft. Myers, Fla. He doesn't answer his mail or the telephone.

He's kept a low profile ever since that terrifying day in May 1971 when a union mob nearly killed him on an excavation job, breaking three of his ribs, putting steel shavings in his eyes and threatening to cut off his arms.

Why were they out to get him? Because he refused to join a local union. Sammy Kirkland's life has been altered, forever, because he refused to abandon his right to work to union goons.

Other lives have been changed too. Four of the union agents responsible for the vicious attack were given five-year jail sentences. Kirkland also filed a damage suit against the local and international unions.

In early 1976, union officials agreed to a $165,000 out-of-court settlement, one of the largest ever obtained in a union violence case. But as Kirkland's attorney provided by the National Right to Work Legal Defense Foundation said, "No amount of money can compensate him for the damage that's been done."

Sammy Kirkland's case, shocking as it is, is not an isolated one. Herbert McGruther of Lake City, Fla., was fired from his construction job in 1975 because he refused to join another local of the same union.

McGruther was subjected to a different kind of intimidation. A union agent prominently displayed a large pistol in his belt while demanding that McGruther pay a union initiation fee and dues.

McGruther, with the support of the National Right to Work Legal Defense Foundation, has filed suit, charging the union with violating his rights and asking for punitive damages.

Sammy Kirkland and Herbert McGruther were fortunate. They found help. But how many other Kirklands and McGruthers in America need similar help?

The National Right to Work Legal Defense Foundation is a publicly supported charitable institution that provides free legal aid to employees whose rights have been violated because of compulsory unionism. The Foundation is currently assisting workers in more than 50 cases across the country.

If you want to help Herbert McGruther, and all the other McGruthers and Kirklands in our society, we'd like to hear from you.

For more information on how you can help workers like Sammy Kirkland and Herbert McGruther, write:

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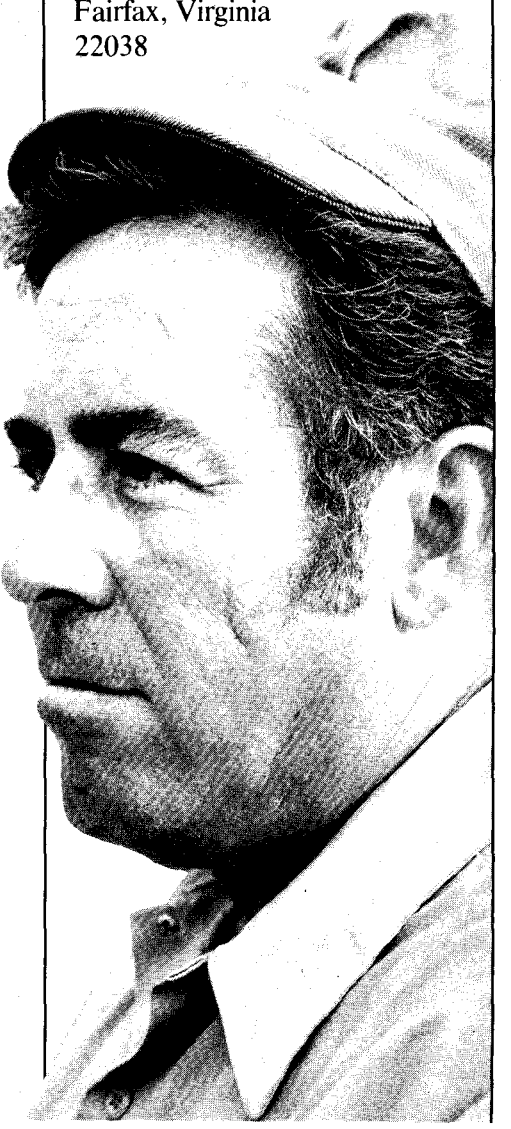

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A regime such as Park's presumably is capable of any perfidy. According to Senator George McGovern, Park's "police state" is held together only by "hysterical fear" of an attack from North Korea, and hysteria is hard to sustain. So McGovern considers it "quite possible" that Park might "inspire a military incident or even full war" to convince his people and us that the threat is real. McGovern detects another Vietnam in the making. "We have relations with other repressive governments, but nowhere in the world are we aligned so closely with one so bad," he wrote recently. He urged that we withdraw our ground forces as quickly as neighboring Japan thinks prudent, "independent of events in Korea." He also urged that we bring our Air Force out, too, when South Korea's armed forces are equal to North Korea's. Diplomatically, he urges that the United States try to reach agreement with China and the Soviet Union to stay out of any Korean conflict. The implication is that the peninsula's two mad dogs can then have at each other without the world's getting involved.

Well, when you get to Korea, the situation looks materially different from the way it is portrayed on paper back home. Park Chung Hee turns out to be no democrat, all right. His rule is authoritarian, unpleasantly and excessively so, and he deserves to be the object of a vigorous American human rights campaign. But he is no absolute dictator, and certainly not one of the worst in the world. It is arguable whether he hoards power because he likes it or for what he can do with it, but undeniably he has done worthwhile things, economically, for his people. Nor can it be denied that South Korea is threatened militarily from the north. Perhaps Park has overreacted to the danger, but he did not dream it up as a bogey with which to scare his people or the United States. Did Park try to buy influence in Washington? Probably, he did, and naively, by the standards practiced in that trade. But "Koreagate" remains petty compared to Watergate. So far, it is unworthy of its name. Park undoubtedly falls short of a liberal's idea of wholesome leadership, but there happen to be 35 million people in his country whose well-being heavily depends on American decisions. Pulling out our ground troops looks risky to the Koreans and to American military officers on the scene. Probably it can be done safely, but only if done slowly and carefully, as the Carter administration now intends.

The next move in the US withdrawal scenario is completion and presentation to Congress of the administration's "compensatory" program to provide the South Koreans with hardware to make up for the loss of the US Second Division and its support forces. Cost of the program is estimated at two billion dollars over five years. The administration is worried that a coalition may form against the program consisting of conservatives out to block the withdrawal and liberals who don't want to give so many dollars to a despot. An authorization vote may come this fall, and the Park government is being urged to improve its human rights image in the meantime and to get Tongsun Park back to Washington for questioning and prosecution. President Park recently has released 31 people convicted of violating his emergency decree, and more releases seem possible. But Tongsun Park has fled to Korea, which has no extradition treaty with the United States. He is professing total innocence of wrongdoing in Washington and vowing he will not return. The Korean government has obliged him by opening an investigation that bars him from leaving the country, and government officials play cute with Americans urging his return. "Shall we kidnap him?" they ask. The question means: "Do you want us to violate his human rights?"

Displeasing as they are to us, South Korea's human rights deficiencies—and perhaps the Tongsun Park caper, too—can be traced to the country's insecurity about its military situation. The first fact that a visitor is told about Korea when he arrives at Seoul's Kimpo Airport—on a sign explaining search procedures—is that North Korean forces are only 30 miles away. The distance is an hour by truck or three minutes by jet. South Koreans of all stations and political persuasions seem convinced that only countervailing military power prevents Kim Il Sung from forcibly trying to fulfill his life's ambition to unify the peninsula.

Kim periodically takes out full page ads in western newspapers and gives interviews to Japanese legislators to proclaim his peaceful intentions. But his record suggests that the South Koreans have him estimated just right. It was Kim, after all, who invaded the South in 1950. In 1968, 31 North Korean infiltrators attacked the Blue House, apparently trying to assassinate Park. In 1974, a gunman shot at Park and killed his wife, allegedly under instructions from pro-North elements in Japan. When Vietnam fell in 1975, Kim went to Moscow and Peking in an apparent search—unsucessful, it turned out—for support for a new Korean war timed to take advantage of American war-weariness. Last year, North Korean troops bludgeoned and axed to death two American military officers supervising a work crew near the Panmunjom truce village. This June, the North Koreans shot down an unarmed US cargo helicopter that strayed over the demilitarized zone, killing two crewmen.

Such bellicosity surely justifies security precautions on the part of South Korea. But how much? If you suggest to one South Korean professor that Park has been overdoing it, his response is this: "In the Vietnam war, your government sent people to jail for destroying draft cards. The North Vietnamese were not 30 miles away from Washington at the time, but your government panicked. I'm prepared to admit that my government gets panicky, too, but the North Koreans are the same distance from here as Dulles Airport is

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from Washington."

According to his sympathizers, Park's record is one of loosening and tightening his grip according to security conditions. They claim that his latest round of tightening, beginning in 1971, occurred as a result of President Nixon's enunciation of the "Guam Doctrine" and subsequent withdrawal of one-third of the US troops then stationed in Korea. Park declared a state of emergency in December 1971, and the following October he imposed martial law. Shortly thereafter, he promulgated his Yushin Constitution, which calls for indirect election of the president in a manner subject to his control and allows the president to declare emergencies and suspend political rights.

When Vietnam fell, Park declared an emergency and prohibited criticism of the president, the constitution or the emergency decree itself. According to the State Department's March 1977 World Human Rights Survey, about 400 people had been convicted or were awaiting trial under the decree. Current US estimates are that between 150 and 200 are in jail for emergency offenses. The most prominent of these are a group of 18 leading Park critics convicted of signing a manifesto last March calling for Park's ouster and repeal of the Yushin Constitution. One of Park's aides said the president would have preferred to ignore the incident. "But what could he do? They laid a trap for us by doing exactly what they knew would get them arrested. If a government is going to have any integrity at all, it has to abide by its own rules." One member of the group of 18 is Kim Dae Jung, who frequently is portrayed in the press as being in jail for the offense of nearly defeating Park in the 1971 presidential election. In fact, Kim received just 46 per cent of the vote, then left the country to denounce Park as an "Asian Hitler." In 1973, Kim was mysteriously kidnapped from a hotel in Japan, probably by KCIA agents. He was arrested for election law violations, then released. He is now in prison again for signing the 1976 anti-Park petition. Some reports suggest he is being ill-treated in jail, but one western expert who has made it his business to monitor Kim's status claims that the prisoner is well cared for, Park having been warned of difficulties with the United States should harm befall Kim. Park's aides admit that curfew violators and other detainees may be "knocked around" in Korean jails. "It's cultural," said one aide "I'm sorry if it offends you." But the government categorically denies engaging in systematic torture, and western experts say their information suggests such activity stopped in the early 1970s. In 1975, the Park government executed eight people convicted in closed military trials of membership in a "Peoples Revolutionary Party" aligned with the North. None of the victims was a well known democratic dissident, but it remains unclear whether any actually were Communist subversives.

Park does not seem interested in developing a personality cult. He does not seem to use his power to line his own pockets. People are not jailed indefinitely without trial. They do not disappear. Opposition members of the National Assembly can criticize government policies—though not the government's legitimacy—and achieve results, including dismissal of incompetent or corrupt officials. As one Western expert explained it, "This government has isolated key political decisions from partisan debate. National security and rapid economic growth are matters that Park doesn't want to see frustrated by endless discussion."

The system is working especially well in the economic sphere. South Korea was one of the world's most wretchedly poor countries 15 years ago, a place where people starved in the spring before new crops came in. It is still an under-developed country, and a nation without natural resources. But it is moving rapidly. Its growth rate was 15.2 percent last year, and it probably will top 10 percent this year. Political scientists used to study an Indian model for economic development and a Chinese model. Now there is a third type that is more successful: an authoritarian but essentially capitalist system like that prevailing in Taiwan, Singapore and South Korea.

The system works here by the government's setting goals, encouraging enterprises that will try to reach them and riding herd to see that goals are met. An American observer said, "South Korea has broken out of the Asian peasant mold where the worker says, 'Why work hard? The rice won't grow any faster.' The government here has provided the leadership to convince people they can be better off tomorrow by working hard today." An International Labor Organization study cited by *Fortune* magazine indicated that South Koreans work longer hours than any other people on earth, averaging nearly 51 hours per week, as against 39.4 for Americans.

Meanwhile, a World Bank study shows that income is distributed more equitably in South Korea than in most developing countries. There is a growing corps of super rich entrepreneurs, but Park's government puts limits on lavish living to keep class antagonisms from developing. Regulations restrict the size of houses, front gates and swimming pools, and Park has kept Korea's TV networks from broadcasting in color, lest citizens be divided by the kind of set they can afford. That is the sort of thing it is possible to do in an authoritarian society that can't be done in a democracy. Presumably, Korea's swelling economy gives Park reason to feel secure, but relations with the United States apparently do not. According to high-ranking military officers, doubts about US reliability may have led to the Tongsun Park case. "Every single year, Congress had a debate about whether to pull out of Korea," he said "Every year, it decided there'd be no pull-out that year, but that there'd be a debate again next year. The Koreans thought their survival depend-

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ed on the largesse of Congress and I guess they figured they'd do something about it." It remains unclear to Americans here whether Tongsun Park was an agent of the Korean government sent to curry favor and buy influence in Washington. The preferred theory is that he was a wheeler-dealer who came to the government with a plan, and the government bought it. So far, it has been demonstrated that a large number of congressmen had some dealings with Park, and may have taken money from him, but it remains to be seen how many will be found to have committed unethical or illegal acts.

Among Koreans, the Tongsun Park case is shocking not because of what Park did or because of his potential links to the government, but because American press coverage of it seems to be poisoning US-Korean relations at a time when understanding is necessary. Many Koreans express the belief that other nations and US domestic interests lobby Congress far more lavishly—but more dextrously—than Korea did. They think that Korea is being singled out for special blame, possibly to justify US withdrawal from—and, maybe abandonment of—their country. They see overripe accounts of human rights violations the same way, and it all seems no way to treat an ally.

Morton Kondracke

Barnet Skolnik, 2; Maryland Governors, 0.

Changing the Rules

"When I took the oath of office," said former Louisiana Governor Richard Leche, "I didn't take any vows of poverty." Leche proved that with a determination sufficient to wind him up in jail. His point of view, however, lives on, and apparently is embodied in Maryland Governor Marvin Mandel's approach to profit through public service. After the man he succeeded as governor was forced to resign as Vice President of the US in the face of charges involving tax evasion and kickbacks, Mandel characterized his state as a "postmark for greed, for corruption, for kickbacks and payoffs . . . for a way of life that is less than honorable." He said he would put an end to all that. Three years later, Mandel himself stands as the first Maryland governor actually convicted while in office, guilty of 17 counts of mail fraud and one of violating federal anti-racketeering statutes. What Mandel and five friends and codefendants did, it seems, was to concoct a little scheme by which the governor was showered with gifts—vacations, clothes, jewelry, business interests backdated and doctored-up to look like legal fees, all amounting to just under $400,000—in return for the governor's covert encouragement of racing legislation that directly benefited his associates.

Mandel's own indiscretions are less interesting than the unique combination of laws under which he was tried. Government prosecutors led by US Attorney Barnet D. Skolnik believe these laws will become a standard mechanism for future prosecutions of corrupt politicians. At bottom, it all resembles bribery. But bribery is a narrow concept under the law, embodying technical elements that turn out to be difficult to prove. Under just about all state and federal bribery statutes, it is necessary to prove a specific quid pro quo: goods exchanged for services *and* intent. It's not enough, for example, to show that a public official awarded a lucrative contract to a construction firm and that the favored contractor later built a wing on the official's home at cost. It must be proved that the home improvements were in return for the contract and that both parties involved understood that to be the arrangement. But the element of intent is very difficult to prove. To prove it often involves deals like immunity or plea bargaining with one of the insiders, which, in turn, weaken a political corruption case before the jury and in the public's perception.

Fraud, on the other hand, is a broader concept, and much easier to prove. In the words of one of the Mandel prosecution team, "It adapts itself more easily to the facts of a specific case." A "scheme to defraud" never has been precisely defined, and thus a jury is permitted much greater latitude to examine all the evidence presented in a case and to decide whether what happened is right or wrong.

In the Mandel case, there was no specific evidence of a quid pro quo, not even one witness who could provide direct testimony of the alleged fraud. Everyone involved was sitting in the dock under indictment. The evidence involved was entirely circumstantial, but there were mountains of it. "What we had," Skolnik says, "was a tremendous amount of evidence of gifts from the other defendants to the governor, evidence that he had done things of benefit to them and evidence that they had all covered it up. But we had no direct proof that these things were all related, that the circle had been completed." Judge Robert Love Taylor told the jury that if the public had been denied the honest and faithful service of a public official—any intentional perversion of official duties—it could constitute a scheme to defraud. The evidence involved a web of such circumstantial tightness that the jury returned a verdict of guilty on every count.

The anti-racketeering statutes, passed as part of the Organized Crime Act of 1970 were intended as a first step toward dismantling the business empire of the Mafia. Conviction under these laws brings not only a prison sentence, but automatic forfeiture of the business interests involved to the US Treasury. A common complaint about corrupt politicians and other white collar criminals is that they get sent to summer camp for a few months at a hotel-like prison, then come

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home and live off the millions they realized through illegal activities. These laws eliminate some of the ill-gotten gains.

The Mandel case was the first time that the anti-racketeering statutes were used against a high political mucky-muck and his cronies. If the convictions stand, through appeals, Uncle Sam will own about 30 percent of a large racetrack in Maryland and 40 percent of a multi-million-dollar real estate partnership. It won't make much of a dent in the federal debt, but it should at least pay for the prosecution and provide a measure of satisfaction for those irked by the accumulating fortunes of the Watergate crowd.

Without the staff, resources and subpoena power that go with a US Attorney's office, state prosecutors demonstrate considerable restraint in dealing with political corruption cases, notably those involving high public officials. In this case, the ticket to federal court was the mailbox. Mail fraud has been on the books almost since the time the US developed a postal service. It has come to be used most often to short-circuit classic rip-off schemes like peddling Florida retirement lots that turn out to be 100 yards out in the Atlantic. In Maryland, transcripts of all governors' press conferences are routinely mailed to the University of Maryland archives, where they are filed as part of the official record of state business. Since Mandel routinely lied, dodged and covered-up at press conferences, mailing the transcripts to the archives was deemed to be in furtherance of the fraud. Also, some checks were mailed, not to Mandel, but to one of his co-defendants, who, in turn, paid the governor in person.

That may all sound a little thin, but without some use of the mails, the federal prosecution team would have had no federal case. "At that point," says Skolnik, "We would have had the choice of forgetting the whole thing or turning a mountain of evidence over to some local Maryland prosecutor and saying, 'How'd you like to prosecute the Governor?'—you know, the odds of which are pretty slim."

If there is a moral in all this, it is that big criminals should not commit small crimes. Even in Maryland where there have now been 16 major convictions or pleas of no contest in official corruption trials over the past few years, the Mandel verdict rocked the political establishment. Alan Spector, a longtime Mandel ally who recently received an appointed judgeship, summed it up: "In politics, we were all raised with the idea that the guys who helped you, you favored. It's like they changed the rules in the middle of the ball game."

That's more or less how they play the political game in most places. Barnet Skolnik, who has now been successful in cases against both Spiro Agnew and Marvin Mandel, likes his work. Skolnik would like to ply his trade somewhere else for awhile, perhaps in New York, and change the rules there.

Ken Bode

Lawyers enter the advertising age.

The Bar's Blushing Maidens

Free speech advocates have been winning fewer cases in the Supreme Court recently, and lawyers and bar groups have been among the most vocal critics of this trend. Lawyers often see threats to free speech even where ordinary intelligent laymen can find nothing that sounds like expression. So it was ironic that the Supreme Court's leading decision last term in favor of the First Amendment's right of speech was a ruling that the organized bar in every state has been unconstitutionally gagging its own members in prohibiting advertising by lawyers.

Reports from the American Bar Association's recent annual convention in Chicago indicate that the legal establishment is scrambling to work its way around the decision. That reaction is consistent with constitutional history. Those on the losing end of a constitutional battle that goes to the Supreme Court seldom bury their arms or pack away their battle gear. Prosecutors and police have resisted the Supreme Court's *Miranda* decision in the courts; legislatures and other governmental agencies fought over reapportionment long after the landmark "one man, one vote" decision; local school boards and departments of education have battled each step of the way from "separate but equal" public schools through the assignment of pupils by "freedom of choice" to the current controversy over "forced busing." It seems that lawyers are not really much different from their clients. The constitutional rule has been announced in a limited factual context, and we seem destined for a decade of court battles testing the bounds of lawyers' constitutional rights.

The story of the case that made its way to the Supreme Court illustrates how reluctant the legal establishment is to change. It begins with John Bates, named by the faculty of Arizona State Law School as the outstanding student of the 1972 graduating class. Bates was being only slightly unconventional when he took his first job as a lawyer with the local legal aid society. After almost two years of trial experience, Bates and a classmate named Van O'Steen, who also had graduated with honors and worked for the same legal aid group, decided to open a law firm in downtown Phoenix—a risky but far from unprecedented effort. Unlike most young lawyers, however, they did not yearn for glamorous and difficult litigation. Their intention, they later testified, was to provide low-cost services on totally routine matters such as uncontested divorces, adoptions or changes of name. They hired paralegals, installed automatic typewriters that could grind out the boilerplate needed for these legal formalities and counted on high volume to make their

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venture successful.

But how were the potential clients to learn of the "Legal Clinic of Bates and O'Steen" and be induced to stream to it? The rules of the Arizona Bar, like those of every state, prohibited direct or indirect advertising by lawyers. Any lawyer who "publicized himself" by any "means of commercial publicity" violated one of the cardinal rules of the trade, and could be disciplined with a penalty as heavy as disbarment. Bates and O'Steen struggled for almost two years under this rule of enforced modesty, and then they took the step that rocked the legal establishment in Phoenix. On Washington's Birthday in 1976, an extraordinary ad appeared in a Phoenix daily newspaper. It was headed: "Do You Need A Lawyer? Legal Services at Very Reasonable Fees." Under the heading appeared a scales-of-justice logo, and then a schedule of the firm's fees and court costs for various routine services, followed by the legend, "Information regarding other types of cases furnished on request" and concluding with the firm's name, address and telephone number.

The little ad is now memorialized in legal history. It will appear in Volume 432 of the *United States Reports* because it has been reproduced as an attachment to Justice Harry Blackmun's majority decision of June 27. But before the Supreme Court issued its 5-to-4 ruling vindicating their position, the two young lawyers went through a series of disciplinary proceedings in Arizona, during which one advisory board recommended that they be suspended from law practice for at least six months. The Arizona Supreme Court recognized that the ad had been placed in order to make a test case of the prohibition against "commercial publicity," and it reduced the punishment to "censure." The Supreme Court's decision wiped away even this slap on the wrist.

The Court did not rule, however, that *all* lawyers' advertising is protected by the Constitution. Drawing the same kind of fine lines he had etched into the Constitution in his landmark abortion decision of 1973, Justice Blackmun—speaking for a bare Court majority—limited the constitutional right to a "truthful advertisement concerning the availability and terms of routine legal services." In other words, the Bates and O'Steen ad emounts to constitutionally free speech because it deals only with prices and lists only "routine" services. A lawyer has a constitutional right to publicize his customary fee and to enumerate the ministerial tasks for which he is available. He does not yet have a right to inform the public, through a printed ad, of the personal skills or qualities that may make him a desirable choice for a prospective client.

Courts have a long and sensible tradition of avoiding constitutional questions that are not presented by the particular facts before them. The Bates and O'Steen ad was a catalogue of "routine" services and fees. So, Justice Blackmun was not required to decide anything more than whether it was constitutional to punish the Arizona lawyers for this particular publication. But the line that the Court has drawn is an uncommonly silly one, and it has encouraged the shortsighted response that the ABA provided at its recent convention.

To begin with, the "routine" services that may be listed under the most restrictive interpretation of the Court's opinion are the kinds of services for which lawyers' intervention ought not to be required at all. Why should Bates and O'Steen—or any other law school graduate—be paid $175 for someone's uncontested divorce or $250 for completing and filing bankruptcy papers or $95 for submitting the documents needed for a change of name? Adults marry without lawyers at their sides. If they agree later to dissolve their marriage on mutually acceptable terms, for reasons which the law allows, why must they be expected to enrich someone with a legal diploma and a bar admission certificate? The "routine" legal service that is performed by the attorney in these circumstances is really a job that the client may do on his or her own. In fact, Bates and O'Steen encouraged "do-it-yourself" divorces. Their ad specified a $100 fee for "preparation of all court papers and instructions on how to do your own simple uncontested divorce."

By approving ads that are limited to a catalogue of "routine" legal services, the Court is promoting the myth that lawyers are needed—and ought to be paid—for every confrontation that the ordinary citizen has with our law-ridden society. This may have the unintended effect of insuring that there are jobs (and fees) for the thousands of graduates that law schools are spewing on to the market. But it is, ultimately, a wasteful expenditure of individual resources, even though the initial impact was beneficial. Within weeks of the Court's decision, the routine prices for these routine services dropped substantially. The lawyers who provide them began feeling the effects of public price competition. But the long-range consequence is likely to be a greater dependence upon attorneys in areas where a more sensible reform would be to eliminate lawyers altogether.

The second qualification—limiting ads to fee schedules or, under the ABA guidelines, to precise objective statistics such as age, military service, previous public offices and bank references—is equally myopic. Apart from anticipated fees, are these the factors a client should be encouraged to use in choosing the lawyer to give him advice or represent him in court? When lawyers recommend attorneys to their friends or when they must choose lawyers for themselves, they do not base their selections on "objective" criteria. Lawyers know that one of the principal failures in the delivery of legal services in this country has been the abysmal ignorance in which clients make the most important decision that is theirs in the entire legal process—selecting the attorney who will give them advice or represent them. Why not enlarge the fund of knowledge available to the public by treating attorneys

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like any other provider of services and permitting them to say whatever they like—so long as it is not demonstrably false or deceptive—about their own skills and abilities?

There seem to be two fundamental propositions, long accepted unthinkingly by the organized bar, that stand in the way of such a simple and obvious reform. The first is that it is indecorous for lawyers aggressively to seek clients. Like modest Victorian maidens, they should wait to be asked and may then, blushingly and reluctantly accept the suitor's proposal. They may not, by this reasoning, extol their own virtues until after the proposal has been offered and accepted. The Supreme Court's 5-to-4 ruling surely has demolished this "coy" image. If lawyers have a constitutional right to reach out to clients by advertising their availability and publicizing the low fees they charge, they no longer can claim the totally passive role that long has been extolled by some in theory and ignored by many in practice.

A second ground for resistance seems to be a deep-seated suspicion of the advertising business. Lawyers are accustomed to seeing assertions laid out end-to-end in neutral, dispassionate and usually tedious prose. Legal documents are written so that they can be understood only by those giving close attention. The superficialities that succeed in the advertising world—the slogans, the pictorial images, the subliminal devices—are anathema to lawyers. Advertising, it is thought, will bring hucksterism to the profession and will reward the attorney who hires the best ad agency rather than the one who has the finest skills.

There might be substance to this concern if history had demonstrated that, while advertising was banned, the most skilled lawyers—rather than the most effective self-promoters—rose to the top. Even though the current leaders of the bar are the beneficiaries of the *status quo*, it would be hard for them to defend this proposition with a straight face. Success as a lawyer has not depended, in the pre-advertising age, on merit alone. Many lawyers have been able to attract clients by creating an unjustified appearance of competence. Those who are in fact highly qualified often have been less successful. There is, in short, as great an opportunity to deceive the public within the limitations that the organized bar imposed before the *Bates and O'Steen* case and now under the new ABA guidelines as there would be if there were no restrictions except against falsity and deception. Since we live in a society in which it is assumed that the public is better served by more information rather than less, the failure of past restrictions should lead us to a totally liberalized rule.

Nor does history support the notion that advertising necessarily prevents and corrupts an individual selection on process that should be based on reason and merit. In our democratic society, the most important individual choice the public makes is its selection among candidates for governmental office. Much has been written, on all sides, of the effect of the media on elections, but no one has seriously considered banning nondeceptive advertising as an obstacle to the voting process. If, by and large, advertising contributes to the fund of public information that enables voters to choose wisely, why should it not be expected to contribute, in the same way, to the information that is useful in the selection of professional help such lawyers and doctors?

The political campaign experience teaches another useful lesson. When the subject is a serious one and individuals hope to be taken seriously by those to whom they send a public message, the tone of advertising tends to be restrained. Political campaign ads differ in kind from cat-food or detergent merchandising. This happens not because the law prohibits a candidate from selling himself as he might sell toothpaste, but because the candidate knows that a toothpaste-type commercial on television would lose votes, not win them. Lawyers who want to gain clients are most unlikely to turn to undignified or boisterous ads, even if all legal restraints were removed.

Nathan Lewin

Welfare goes country.

Paying Farmers Not to Work

On August 29th, while Secretary of Agriculture Bob Bergland was on vacation, his assistant held a press briefing at the White House. Deputy Secretary John White announced that the administration plans to force wheat farmers not to grow wheat on 20 percent of their land and will, instead, pay them for growing nothing. In a verbal sleight-of-hand, that it is not really paying farmers not to grow and the whole thing is really voluntary. White's own words illustrate the silliness of that pretense. "We are not paying people not to plant. There will be no payments for set-aside. However, it is an offer that we don't think our people can refuse because if they don't set aside, they will not be eligible for loans and target price and income support payments."

White also said the administration is "delaying the decision" on paying corn and other feed grain farmers not to grow "just in case of bad weather between now and harvest time. . . ." The translation is that bad weather would be good news because if the crop is destroyed this year, the administration will not have to pay corn farmers not to grow next year. Paying tax dollars not to grow food is, after all, politically unpopular. Having decided to do it, the administration would like to do as little of it as possible. That is why

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officials in the Department of Agriculture are currently praying for a drought or a plague of locusts or a flood or anything that will destroy corn now growing in the field.

Unless you've been closely following the latest developments in agriculture—and there are admittedly more interesting things to think about—the news that the Department of Agriculture is praying for a crop failure may seem like some special case of lunacy which strikes Washington's public officials. After all, in the election campaign, which was only last year, the biggest farm issue—excepting, of course, the racist remark that forced Earl Butz to resign—was whether a President should impose an embargo on agricultural exports. President Ford had imposed three such embargoes, presumably because food had been in such short supply. Carter said that he opposed embargoes generally, but if there were a catastrophe, "Anybody in his right mind would not rob our people of food. . . ." Ford's running mate Senator Robert Dole called Carter a hypocrite because Carter had criticized Ford's embargoes. And so on. Just a year later the world food crisis is over. It has been replaced by the world food glut.

Paying farmers not to grow is a tradition. It began in 1933 when 25 percent of the American people lived and worked on farms. The idea was to take enough land out of cultivation to raise prices, so that the increased income would encourage farmers to stay on the land. With the exception of World War II, when we had no trouble getting rid of our surplus, we've always produced more than we could use and the "emergency measures" FDR gave us—codified in a series of farm bills—were left virtually unchanged until 1972. The measures had failed in their primary intention because by 1972 fewer than five percent of the American people lived and worked on farms.

In 1972, Earl Butz destroyed the New Deal farm program by secretly selling the government-owned grain to the Russians. By 1973, he convinced Congress to take away the authority he held—under the Depression-born Agricultural Adjustment Act—to force farmers not to grow. By 1974, every acre of arable land was being used, farm income and prices had reached record highs, and the sales from grain exports made it possible for this country to pay for its petroleum imports. Butz sold off all the government-owned storage bins. The legislation he maneuvered into law would compensate farmers only if prices dropped disastrously and only at a fraction of their production costs. The 1973 bill, which expires this year, was a token effort. The point of his farm policy was to get the government out of the agriculture business entirely. If it's worth their while to plant, then farmers will plant. If no one wants to buy, then farmers are smart enough not to plant.

By the time Jimmy Carter took office, the world food situation had changed considerably. Good weather in India and Bangladesh produced bumper crops. India has grain surpluses. The United Nations economists, who in 1975 had been talking about global starvation, are saying today that world food production is increasing more rapidly than world population. In the US despite all the talk of water shortages, the last two seasons have produced more food than anyone knows what to do with. To give an example of how serious our abundance is, the American people eat about 23 million metric tons of wheat every year. That includes everything from bread to the wheat that's fed to hogs and comes back in the form of bacon. There are 34 million metric tons of wheat now sitting in storage bins. The administration has decided to spend $4.4 billion trying to get rid of it.

The best solution, of course, would be to feed the 300 to 400 million people in the world who are hungry. This is not going to happen. In the past, the US has used the "Food for Peace" program to dump food abroad, for free or for cheap, which causes farmers in underdeveloped countries to go out of business. The food often is used—by countries like Korea and our late allies in Vietnam—to buy munitions and other goodies; there are serious questions about how much of it truly reaches the hungry. The world's hunger problem today is caused by failure of distribution rather than actual shortages. The US cannot force governments to feed their people. Certainly the "Food for Peace" program is a discredited vehicle for doing any good. After all, two years ago when there was a world food crisis, the US *cut back* on its free food shipments. The administration's announcement means that this discredited program, which is in the current farm bill, will be continued. However, try as we will, we won't be able to dump enough of our food abroad to solve the problem.

The other solution is to let the farmers worry about their own problem. I received a phone call from a farmer in Nebraska who has 4000 acres of irrigated land. The going price for such land today is between $1500 and $2000 an acre. It's difficult to feel populist sympathy for a poor farmer who's worth eight million dollars. The caller was not an unusually large farmer. In fact, by Agriculture Department standards he'd be about average. He called to complain about low prices and the fear of being taken over by large corporations. He quoted statistics about production costs and market prices, but in fact he had contracted with someone to buy his crop even before he had planted it, and even in this year of low prices, he did quite well. Yet the government plans to give welfare to the one million farmers in the US with gross annual sales over $20,000 per year, who produce 90 percent of the food we eat. If furniture manufacturers have a bad year, they don't come crying to the government for subsidies. If farmers can't make enough money growing grain, they can cut back production by themselves without going on the public dole. Yet, the government plans to give these

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folks subsidies, buy up the grain they have in storage and call it "a food reserve" and force them not to plant. Food prices and tax payments are high enough as it is.

The President's Council of Economic Advisors and the Treasury Department both opposed this latest fiddle. But apparently President Carter supports it. Because of Butz's legislation, the current Secretary of Agriculture does not have the power to order this announced cutback in wheat production. Even when Congress provides the authority—as it is eager to do—no one on the Hill or in the Department knows yet how it will be implemented. The 1973 farm bill dismantled much of the crop control machinery. Recreating the New Deal's Humpty Dumpty may prove an impossible task.

Congress, nevertheless, is trying. Its 11-billion-dollar farm bill, which is sitting in conference for last minute polishing, gives everyone a little something. The bill not only includes price supports which are at or above production costs—encouraging farmers once again to start growing food for the government—it also includes food stamps, food for peace, and a provision for "preserving the integrity of ice cream." So liberals, for example, are getting conservative support for a provision eliminating the purchase requirement for food stamps. In return, conservatives are getting liberal support for provisions which would, for example, give Gulf and Western and other "farmers" subsidies for growing sugar in Florida. Certainly, President Carter—if he signs this misguided bill—will be collecting Congressional IOUs for his own legislative programs. But he shouldn't. Paying farmers not to grow food is crazy.

Joel Solkoff

Joel Solkoff is a Washington writer specializing in food issues.

Grey Eminences, III

A Fork in the Road

Physically they're not even very different from the descriptions of them during the New Deal. Thomas Corcoran, 77, still is stocky, ruddy faced, ebullient. Benjamin Cohen, 83, is frail, bespectacled, soft spoken. At first one assumes Cohen's voice betrays him: it is the reedy quavering voice of an old man. But Cohen's friends, in recounting anecdotes about him from 40 years ago, delight in imitating exactly this voice. It hasn't changed.

The Hog Dog Boys, The Gold Dust Twins, the unholy alliance, strange and peculiar persons, Tommy the Cork and C-o-h-e-n-g-r-e-s-s. From about 1933 to 1940, it is said, Cohen and Corcoran (the names always are uttered consecutively) engineered the second New Deal. And unlike the first New Deal, put together largely by academician advisors to President Roosevelt and then dismantled piece by piece by the Supreme Court, the legislation Cohen and Corcoran wrote and pushed through—the Securities and Exchange Act, the Public Utility Holding Company Act, and the Fair Labor Standards Act and others—survived judicial review and transformed American public life.

Ah, those were the days, great days, everyone agrees. How many young attorneys, even among those who did go to Harvard Law School, get to save the country? Of course they didn't have fancy titles, or fancy offices, or fancy salaries (unlike a young Georgian pair they've been likened to in the Carter administration). Cohen was officially in the Public Works Administration, Corcoran at the Reconstruction Finance Corporation. But that didn't matter. They worked on everything and thrived on it, day and night.

Corcoran and Cohen lived together on R Street in Georgetown. Their dwelling was dubbed "the little red house" because of its color, but that didn't stop conservatives from exploiting the phrase's anti-American connotations. Every room was filled with new arrivals, usually Harvard, Yale or Columbia law school graduates, camping out while they all worked round the clock. "The game is picking people," Corcoran says. "We brought down a group of remarkable guys who were bored." Many of these guys never left Washington. The New Deal network never has fully been dismantled.

Once they were under the tutelage of the Hot Dog Boys (so called because Felix Frankfurter had been their mentor) there was no time for boredom, or for much else for that matter. Civil rights lawyer Joe Rauh, who was working for them in 1938, recalls, "They were a perfect team. Ben was the thoughtful, scholarly idea man. Tom was the charming Irish salesman for the ideas. It was an exhilarating, exciting time. Neither had much in the way of outside interests. It was an around the clock operation. There were even around the clock secretaries.

"I was just married and my first child was born ten months later. The joke was, where could my son have been conceived? Finally Ben said, 'I-I-I think he was conceived on the couch in-in-in my outer office.'"

James Rowe, who is now in private practice with Corcoran, remembers: "One time we were drafting a particularly difficult bill. We worked all day and all night for months. One night at 3 a.m., in a state of complete exhaustion, I stood up and said, 'I'm going to bed.' There was dead silence for several minutes. Then Ben said, without looking up, 'Jim needs a lotta sleep.'"

Yes, those days of exhaustion and excitement are gone. Of his work today Rowe says resignedly, "It's administrative law. It's dull. Of course Tommy wouldn't find anything dull." Rowe is right about that. Corcoran's reminiscences are studded with phrases

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such as "I enjoy life very much!" or, speaking of himself and Cohen, "We are both remarkably alive." One couldn't argue with him. He is mesmerizingly exuberant, joyful. And Corcoran's days in the news are hardly all in the past. Recently he popped up in the *New York Times* as "Papa Tom," Korean operator Tongsun Park's favorite piano player. It is reported that Corcoran and his long-time companion Anna ("Tiger lady") Chennault, were Park's Washington social mentors. "He had a lovely piano, and if the IRS sells it, I want it," Papa Tom says. "I'm very careful about my clients, and Park's not one of them. But he's a friend, and I don't have to abandon my friends."

One veteran Corcoran watcher observes, "A lot of people in this town would run for the nearest hole if their names were associated with Park's. But Tom makes no bones about it. He shrugs it off with a 'so what?'"

Though playing the piano for Tongsun Park seems a long way from playing the piano at Hyde Park, in many ways it illustrates a continuity in Corcoran's life. He gets in the middle of difficult situations, yet he manages to emerge with his charm and affability intact.

James MacGregor Burns described Corcoran this way in his heyday as the steamroller for controversial New Deal legislation: "The ebullient Corcoran was as active as ever [this is 1938] showing his uncanny capacity to move back and forth between exacting technical jobs and tough backstairs politicking." Milton Eisenhower wrote, "He was brilliant, personable, witty, enormously talented, and at times unscrupulous." Rexford G. Tugwell on Corcoran: "His talents, his energy, and his lack of scruple were just what was needed." In his diary Drew Pearson recalls having lunch with Corcoran "An amazing man. He hasn't lost his vivaciousness despite the years [now 1956]. He's been masterminding Lyndon Johnson, but says he's actually for Stevenson."

In 1940, after Corcoran's years of tireless effort for Roosevelt, he felt it was time to be rewarded. He was married by this time, to Peggy Dowd, his secretary. (She died in 1956 of a heart attack. He raised their six children.) "The only job I ever wanted was that of Solicitor General. It might have led to the Supreme Court. But I didn't get it, so I quit."

One intimate recalls, "In order for Tommy to get the post he had to have five Supreme Court justices sign a letter endorsing him. Four did, but Frankfurter, who Tommy had gotten appointed to the Court, refused. Tommy had to break a lot of eggs during those years, and I quess Frankfurter felt the appointment would be injudicious. They never spoke after that."

Tommy, not given to morose introspection, plunged into an extremely lucrative, if somewhat unorthodox private practice. The most common sobriquet applied to him is "influence peddler." He is not a Perry Mason-style lawyer. "He couldn't find his way to a courthouse with a subway farecard," one colleague says. Corcoran has been investigated by Congress four times for his dealings on behalf of clients such as oil companies and giant pharmaceutical firms. "I've won all four investigations," he says. "I don't get away with anything that isn't right. I just have more imagination than most."

Carolyn Agger Fortas, a lawyer with Arnold & Porter and Abe's wife, says of Corcoran, "He's aggressive and that's what's needed sometimes. He's a mighty good lobbyist. Anyone who makes a good deal of money people like to make cracks about. Well, more power to him."

Rauh says, "One of the happiest things in my life is my relationship with Ben. One of the saddest things in my life has been to see Tom's renunciation of the New Deal principles."

For all the differences in Cohen and Corcoran's personalities—and it's hard to imagine two more dissimilar personalities—and despite the different routes their professional and personal lives have followed since that fork in the road in 1940, their friendship endures and thrives.

Cohen at first refused to be interviewed because he didn't want to talk to anyone who hasn't known him since the New Deal and have to answer "foolish questions." It was Corcoran who convinced him to see a reporter born in 1955. Corcoran, too, had his own caveat: he was not going to "kiss and tell." But he did offer one personal insight about FDR: "If he needed Lucy Mercer, I'm God damned glad he had her. What do you think gets a guy to sleep at night if he's got the kind of burdens Roosevelt had?"

It's easy to see today why the Hot Dog Boys were such an effective team; they're sort of a Hope and Crosby of politics.

Cohen is not given to looking back over his life. He is intensely aware and concerned with current affairs. But Corcoran did get him to talk a little about their working days together.

Cohen: "I was sheltered in the backroom. Mr. Corcoran took all the attacks. He was in front in so many battles. Of course he's more emotional than I am."

Corcoran: "Plato says the guardians of the republic should be bachelors."

Cohen: "And over 40."

Corcoran: "We'll inflate that up to 85."

Cohen says, "There was a time when we both thought we weren't on our job if we weren't being attacked, particularly in the press."

But in recent years attacks on Cohen—unlike Corcoran—are almost unheard of. "Saintly" is an adjective frequently applied to him. His devotion to liberal ideals is unassailable. During the war he helped manage the civilian economy. He was one of the drafters of the United Nations charter. He was a counselor at the State Department and later a UN

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delegate. Since the 1950s he has been an ad hoc advisor to the passing administrations.

"Ben is the best informed, wisest man in the city," Joe Rauh says. "Depending on the way you look at it, you could say he does nothing, or he does everything. I was working on a case for three years that finally came before the Supreme Court. I won it because of the page in the brief that Ben wrote. If people don't have enough sense to consult him, they're the losers.

"In the fifties he started talking about Vietnam. I remember him being concerned about what might happen. I wasn't even sure then where it was."

Another friend says of Cohen, "Ben never compromised. He never wanted a job at a desk, and he had enough money to keep himself going. He really hasn't been very active since the Kennedy years, when he was considered by that crowd to be 'too old.' He's one of our great natural resources who has never fully been used."

Cohen never married. He lives simply, picking up the morning papers at Dupont Circle, accompanied by his dog, Mr. Tweed, successor to the equally beloved Mr. Deeds. He also is 'Uncle Ben' to several Washington families, most notably the Corcoran brood. Cohen, in fact, continued to live with Corcoran even after the latter's marriage and the birth of several of his children. When the Corcorans moved to a bigger house in the more suburban Cleveland Park area, they assumed Ben would come along. But James Rowe recalls Ben refused to move. "He said he couldn't live in the country. Ben defined the country as a place where you have to telephone for a cab instead of hailing one." But Cohen and Corcoran continue to see each other at least once a week. Once Cohen had a fall, and Corcoran moved in with him till Ben was able to get around.

Among Corcoran's New Deal responsibilities was writing speeches for FDR. He is the author of the phrase "a rendezvous with destiny." Today Corcoran is involved with metals in South America, keeping up ties with Taiwan, and protecting the interests of his "lovely clientele." Cohen is still analyzing and considering the direction the country should take.

Both Cohen and Corcoran have reservations about Jimmy Carter. Corcoran will only say that it's too early to tell. "It took a year for Roosevelt to settle in. He tried a thousand things that didn't work. Conditions are different today. Carter doesn't have the sense of emergency, of compression that we had in the thirties." But a friend of Corcoran's reports that Tom thinks Carter is "incompetent. Tom's a great friend of John Connally. He thinks Connally could have been President if he hadn't become a Republican. Of course you never know how much of what Tom says is influenced by who his clients are."

Cohen feels one of Carter's drawbacks is poor managerial ability. "Roosevelt was able to lead without dictating. He could listen. And he wasn't afraid to change if the situation was too much against him. I haven't seen that ability yet in Carter."

Emily Yoffe

What is the British sickness, and is it something we're likely to catch?

Is Britain an Awful Warning to America?

by Robin Marris

Every time the pound goes down against the dollar I receive solicitous enquiries that embarrass my pride in the considerable achievements of my country in this century. Until recently it never occurred to me that American concern with British economic problems might be self-interested-fear of the dreaded Socialism that supposedly has ruined Britain. To my surprise, this fear is the underlying theme that unifies a well received recent American collection of essays on *le mal anglais* called *The Future That Doesn't Work*, edited by R. Emmett Tyrrell, Jr. Despite contributions from Irving Kristol, Samuel Brittan and our newly arrived Ambassador, Peter Jay, the book as a whole is not very good. But it does offer a splendid occasion to take up the challenge to explain what I think really is wrong with Britain and the relation, if any, between our problems and yours.

For a variety of reasons—including an increase, rather than decrease, in social rigidity after the Industrial Revolution—the British economy has been in trouble since the turn of the century. Some

Robin Marris, former Cambridge don now chairman of the economics department at the University of Maryland, described himself in an earlier *New Republic* article as "a British socialist fleeing the consequences of his own beliefs."

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historians put the turning point as far back as 1870. Since 1950 Britain has grown faster and more consistently than ever before, but our share in the total production of the OECD countries (primarily Western Europe, North America, Japan, Australia and New Zealand) has fallen drastically. Partly—but only partly—this is due to a natural process of catching up by countries previously behind us.

There are many wild figures floating around on the subject of comparative living standards. Ever since the general public learned the expression "GNP" armchair international economists have had a lovely time comparing the gross national products per capita in different countries, based on official exchange rates. These figures show that this spring, for example, West Germany's GNP per capita was almost as high as the US's; France's was over two thirds the US's; and the UK's was less than half the US's. These figures are misleading because exchange rates at a particular time do not necessarily reflect the different countries' internal price levels. Most attempts to resolve this problem resort to casual comparisons of, say, the cost of a pound of steak bought in a butcher shop in Belgravia with the cost of an allegedly similar piece of meat bought at the Georgetown Safeway. Or we try to compare the degree of shock experienced on paying a bill at the Lion d'Or in Washington with the corresponding sensation at the end of a meal at the Tour d'Argent in Paris or the Connaught in London. But the correct calculation is much more complicated: we need to compare the costs of soldiers, of teachers, of doctors, of both rented and owner-occupied homes of different kinds and locations; of plumbers; of small cars and large cars, of fridges, and so on. Thorough calculations along these lines have been undertaken only twice since 1950, both times under the aegis of Professor Irving B. Kravis, now of the University of Pennsylvania. With the help of his data I calculate that in April 1977 the ruling exchange rates exaggerated the West German GNP by 25 percent compared to that of the US and the Japanese GNP by 13 percent. France was 10 percent too low, and both Italy and the UK were 20 percent too low. All of this implies, very roughly, that German real GNP per capita, instead of being two thirds greater than the British, is in fact more like one third greater, which admittedly is bad enough.

Thus Britain's "true" GNP per capita today is about 40 percent below that of the US, almost the same relative position as at the end of the first phase of recovery from World War II. Our present poor position is mainly due to slow growth since 1960. The only other country to grow slowly like us is the US itself. In fact the two countries share the honor of being the slowest growing industrialized economies in the world. But the US started out ahead of all the others and is still ahead. Except for Britain, other countries have been catching up to the US. But, contrary to the impression given by ruling exchange rates, none at present shows signs of overtaking it.

The recent thinking of economists studying economic growth in developed countries suggests that since World War II international "technology gaps" have tended to even out through the migration of knowledge, the activities of multinational companies, increasing trade and similar forces. So it is expected that a country's growth rate will tend to be faster the further it is behind. This means that Germany, France and Italy, for example, should have begun by growing faster than the UK after World War II. But it does not mean that they should have overtaken us!

This theory works well against the data. For convenience, let us call it Robin Marris's law: the relative growth rates (per capita) of any two industrialized countries at any time should be inversely proportional to their relative per capita GNPs. Of the real-life situations I have tried my law out against, the only two where it breaks down are the UK in the decade 1960-70 and West Germany in the decade 1950-60. So the idea that there was something special about the good German performance of the first post-War period and about the bad British performance of the second is rather precisely confirmed. In the earlier period, Britain's growth rate, though not exceptional, was almost exactly as predicted by my law. If only we had continued merely to follow this law since 1960 our real GNP today would be no less than *one third* higher than it actually is. This is an enormous failure.

Britain was first in the first industrial revolution, but dissipated her advantage through sociology. The entrepreneurs of the revolution bought country estates to keep their first sons out of trade, while second sons were exported to administer the Empire. Sons of all kinds were sent to public schools, (*i.e.*, private) basically upper-middle-class institutions whose values have consistently favored the career professions as against industry.

At the same time the British population was allowed to increase far beyond self-sufficiency, fed by cheap food from the new world paid for by the exports of still thriving manufactures and from the income of a persistently high rate of *overseas* (but not domestic) investment. Then, as our manufacturing edge began to decline, our exports were bolstered by the system of Empire trade preferences developed between the two wars. As late as 1955 we still had almost a fifth of the total manufactured exports of the OECD countries, about twice our share based on relative population. Then, as the new export-needy countries like Germany and Japan geared up and as the colonies were granted independence, our share of world manufacturing trade began a precipitous decline. Today we are down to a tenth of OECD manufactured exports, and still declining.

There can be little doubt that this relative decline of our manufacturing industries was a major cause of our

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poor economic performance. Our record of growth of industrial *productivity* (as measured by output per man-hour in manufacturing) was not unreasonable, although the level, in contrast to the growth-rate, was low. In the absence of adequate demand, the working population shifted from industry to various occupations where, at least according to statistical conventions, per capita contribution to GNP was relatively modest.

This story of declining British performance in world manufacturing exports is rather remarkably similar to the American record. The US share of total OECD manufacturing exports has fallen since 1955 by almost exactly the same number of percentage points as the British—from 25 percent to 16 percent—and also is still declining. It seems that the two main non-Communist victor nations in World War II have ceded a king's ransom in trade to the countries they defeated: the 20 points lost by the UK and the US together were about equal to the 19 points gained by Germany, Italy and Japan. Here again, however, as with the similar slow growth, the Anglo-American parallel is partly superficial because America's much greater self-sufficiency makes for a much lesser need to export.

Another parallel is *not* so superficial. There is a general belief that in affluent societies an increasing proportion of labor will be devoted to services because, with industrial productivity still rising while demand for industrial goods slows down, relatively more labor is both wanted in services and released by industry. Except in Japan this is precisely what actually has been happening in the OECD countries. In the US, for example, industrial employment as a proportion of total nonmilitary employment fell from 36 percent in 1961 to 32 percent in 1971. It fell no further in the next half decade, perhaps because the US already was well along the "post-industrial" road. In the UK, the figure fell from 51 percent in 1961 to 44 percent in 1971 and since has fallen further. The German picture, despite Germany's strong exports, is very similar to that of Britain. France, despite its shift from agriculture, is not far behind. Even Italy showed a small shift of population away from industry.

British "de-industrialization" has attracted special attention. Some wag rather pithily described us as "a poor man's post-industrial society." It has been argued that since Britain was lagging in affluence it hardly should have been *leading* the drift away from industrialization. It also has been said that more of the labor taken from British industry has gone into "non-productive" occupations. Whatever the rights and wrongs of this debate, there are striking statistical similarities in the pattern of increased services employment in Britain and corresponding figures in the US. Here is how percentage shares in total civil employment of various service categories have increased during the decade and a half after 1960: leisure and entertainment: US, 0.8 points, UK, 0.7 points; Banking, Insurance, Finance and Real Estate: US, 1.9 points, UK, 2.1 points; doctors, dentists, nurses and teachers: US, 1.7 points, UK, 1.0 points; local government: US, 4.2 points, UK, 4.1 points; national government: US, 0.6 points, UK, 0.5 points.

One lesson from the figures for citizens of the USA and most probably for those of most other countries in the post-industrial phase is that this famous increase in services seems to consist largely of banking and local government. It is something of a mystery to know what all these people are doing. Next time you hear a lady or gentlemen from the world of finance complaining of the wastefulness of modern education, ask them how the average citizen has benefited from these spectacular increases in bank staff, insurance workers and real estate people.

Having inherited its industrial problem from the late 19th century and early 20th century, why did Britain fail to take the opportunities for recovery that presented themselves after the shake-up of World War II? There are those who say that it is all the fault of a lazy working class and militant unions. There are others who say that management gets the workers it deserves. It is certainly true that English people of all classes do not appear to achieve as much in a working day as their opposite numbers in competing countries. They are prone to reject tasks they consider tedious. A gentleman may work in the style of the gifted amateur but should not appear to enjoy making money as such; if money is short, he should either marry wisely or go into the City. At all costs he should not go to Birmingham, the industrial heart of England, because—as any superficial international comparison of life-styles will show—we British have a distinct comparative advantage in the business of spending money (as against producing it) and Birmingham is not the place for that.

Ambassador Jay, in a famous article called "Englanditis" which is his contribution to *The Future That Doesn't Work*, implies that British troubles are caused mainly by excessive inflation caused in turn by the internal contradictions of Keynesianism. Although he confuses his arguments with a good deal of monetarist mumbo jumbo he is absolutely right in suggesting that we were wrong to legislate the Keynesian Revolution without at the same time providing for the abolition of collective bargaining and administered prices. In this error, however, the British have been followed by many other countries and our inflation record has been only marginally worse than others'. Between 1955 and 1975, the labor cost in pounds sterling of a unit of British manufacturing output rose an average of six percent a year. An average of the corresponding figures for the three Axis countries which took our trade was about five percent. The US record in this matter is much better, about two percent a year, but this did not save the US from its own trading losses. Inflation

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HOW COME CITY HOSPITAL HAS AN ATOMIC-SCANNING RENOSCOPE AND WE DON'T!
HOW COME MEMORIAL HOSPITAL HAS AN ISOTOPE-TRIGGERED VIRO-CALCULATOR AND WE DON'T!

Alas, hospitals are only human.

They've got to keep up with the Joneses.

For the hospital board, it must seem a simple logic of survival. Beds are filled by patients. Patients are provided by physicians. Physicians, understandably, are attracted by the latest equipment.

But for us who pay the bills, that logic costs dearly.

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Unnecessary duplication of expensive technology is fueling a rampant inflation.[1] The hospital bill—and the health insurance which pays it—is now one of the fastest-rising costs in our whole economy.[2]

Can we slow it down? Ætna believes so. If doctors were to assign patients to *any* of several hospitals nearby, expensive equipment could be shared. Specialized facilities, staff, even beds would be more efficiently used.[3]

Establishing state commissions to set limits on hospital expenditures could help, too. In Maryland and Connecticut, such commissions have been at work since 1974. They've lopped some big numbers off hospital budgets,[4] without reducing the quality of care.

And Ætna is encouraging local medical societies to monitor doctors' use of hospitals. Was the length of stay appropriate? Was admission necessary in the first place?[5] If all of us involved continue to raise such questions, insurance costs *can* be controlled. Don't underestimate your own influence. Use it, as we are trying to use ours.

Ætna wants insurance to be affordable.

1 Consider the cost of the CAT scanner, the latest thing in diagnostic machinery. (The CAT—Computerized Axial Tomograph—takes pictures of cross-sections of the body.) If every one of the 6,000 general hospitals in America bought a CAT, the initial investment alone would cost us all nearly *three billion dollars.*

2 Ten years ago, health care costs consumed about 6% of the gross national product. Today it is close to 9%. Center stage in this inflationary drama is the hospital bill, which has doubled in the last five years!

3 This principle could eliminate many wasteful situations. In Philadelphia, for instance, 16 hospitals have open heart surgery programs. But according to a government study, only five used them enough to be considered efficient. Waste applies to much simpler equipment, too, like beds. The government estimates there are at least 100,000 unnecessary hospital beds empty each day, at a cost of $2 billion a year.

4 As much as $45 million saved in Maryland alone, in 1975.

5 Most medical societies have a "Professional Standards Review Organization" created for just this kind of review for Medicare and Medicaid patients. Ætna believes the potential savings justify such review of all patients.

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differences almost certainly have not been a factor in the different economic growth or export performances of different countries. Over the long haul there has been only a slight decline in the dollar competitiveness of Britain's export prices.

Britain had to keep devaluing because it was losing trade for reasons other than inflation: lack of commercial adaptiveness; inadequate sales drive (despite every exhoration from government: we are surely the only country to have anything like the Queen's Award for exports) bad delivery and declining quality—both the last two admittedly exacerbated by industrial strife and, since 1965, a severe squeeze on profits caused by union rapacity.

Throughout the post-war period, British second class graduates, whose equivalents in the US, Germany and Japan make up the ranks of middle and upper-middle management—where dogged bureaucratic efficiency is the key to modern industrial success—continued to avoid industry in favor of finance and the like. In pure inventiveness, where small and medium-sized firms are important, the British have done quite well. We have failed, over and over again, in development and marketing, where a disciplined and mass-higher-educated corporate bureaucracy is most important.

In the late 1950s only a quarter of all British managers had a higher education, compared with proportions *three times* as high as America, Germany, France and other comparable countries. The more recent recruits were not very different. The typical British manager in the 1960s and 1970s has been a self-made person inadequately prepared for the commercial and technological conditions of the modern world. I cannot remember a single ex-pupil from my 25 years at Cambridge who has gone into industry, while many have chosen the BBC (a very good thing of course, but only recently a strong foreign-exchange earner) or merchant banking. And what have I, who write these strictures, done to help the problem?

What have the British contributors to *The Future that Doesn't Work* done either? Oxbridge graduates to a man, almost incredibly they make virtually no mention whatsoever of industrial problems, management or exports.

To sum up this point, the British industrial disease is a sociological syndrome in which an alienated but militant working class has combined with an inadequate managerial class to produce a heady recipe for economic failure. Great grandchildren of the first industrial revolution, we have tried to abdicate from the mundane technostructure of the second.

In short, the English disease is a malady to which America, of all countries, is unlikely to be susceptible for some time yet.

This conclusion does not however directly confront the arguments of Irving Kristol and Sam Brittan. Kristol, using ideas developed in his 1971 book on *Capitalism Today* develops a thesis in which he makes only passing reference to Britain (a rather silly crack about rising crime rates, coming oddly from New York) and is mainly concerned with a more general attack on modern democratic socialism. Utopian socialism, he tells us, was a Good thing, but has been perverted by Scientific Socialsim. Utopian socialism works only in small, unmaterialist societies where everyone believes in the ideal—in other words in an Israeli Kibbutz *circa* 1955. Marxist or Fabian scientific socialism lacks all three prerequisites and so, even when initially economically successful (as in Sweden) is doomed eventually to low productivity and inflation. Brittan supplements Kristol's arguments with ideas taken from Joseph Schumpeter's *Capitalism Socialism and Democracy*. The public morality of capitalism was a transitional feudal heritage. As it declined, the moral and cultural contradictions of the market economy have become increasingly disturbing. So politicians have been increasingly driven to make increasingly unfeasible electoral promises with increasingly familiar dysfunctional consequences.

These arguments are in a different class from most of the other contributions to *The Future that Doesn't Work* and deserve serious attention. Nevertheless it is curious to find two distinguished conservatives telling us (a) that capitalism contains profound contradictions, albeit different from Marx's (b) that the remedies once proposed by muddlers like myself were equally self-contradictory; and (c) that for all practical purposes they have no alternatives to offer but various notoriously flimsy schemes to "marketize" social welfare, such as educational coupons and the like. I am not saying that none of these schemes is worth trying but I do assert that neither writer seems to understand the intrinsic economic difficulties involved. And neither gives any indication of what to do about the hard fact that capitalism's amoral view of wealth distribution is no longer acceptable to many electorates.

My own view, for what it is worth, is that contemporary "mixed" capitalism from 1945 at least up to 1973 was one of the great successes of human history: in trade, in prosperity (including reduction of poverty) and in almost every index you might like to mention except perhaps the statistics of reported crime among young people and minorities. The contributors to *The Future that Doesn't Work* didn't mention the environment, presumably because they feared that facts might show that Britain has done well on that important front. Since 1973 the world economy has been suffering from a crisis of distributive conflict and stagflation that no one knows how to end. It may well yet be some years before we find the answer, just as there were about four years between the middle of the depression of the 1930s and the publication of Keynes's *General Theory* in 1936. If we do no better than last time we may end up by having lost one decade out of a half century of prosperity.

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Envy or Invidia

by Henry Fairlie

Drawing by Vint Lawrence

It has been said that Envy is the one deadly sin to which no one readily confesses. It seems to be the nastiest, the most grim, the meanest. Sneering, sly, vicious. The face of Envy is never lovely. It is never even faintly pleasant. Its expression crosses our faces in a split second. "Few are able to suppress in themselves a secret satisfaction at the misfortune of their friends," said La Rochefoucald; and few of us are able to suppress a secret envy at someone else's good fortune, or even at someone else's good joke. If we confessed each day how often we had been envious during it, we would be on our knees longer than for any other of the sins.

Although all the deadly sins are morbid and self-destroying, Angus Wilson has said, most of the others provide at least some gratification in their early stages. But there is no gratification for Envy, nothing it can ever enjoy. Its appetite never ceases, yet its only satisfaction is endless self-torment. "It has the ugliness of a trapped rat that has gnawed its own feet in its efforts to escape." One thinks of Envy as being a drag on someone, holding him back, as being of no help or reward or pleasure to him. It gnaws, as Angus Wilson says, and it rankles. The endless self-torment is an endless self-mortification. Each of the other sins may bring what seem to be moments of elevation, when they appear to set one above other people. But the slit eyes of Envy are always turned up to what it thinks is superior. However high Envy may seem to aspire, it is in fact always servile. It never straightens its back.

One of the destructive forms that Envy takes today is the widespread assumption that everyone should be able to do and experience and enjoy everything that everyone else can do and experience and enjoy. We must all plod through *The Joy of Sex* as if it is the Air Force book of exercises. People who have been wholly content in their own natures, and in their expression of them, are suddenly persuaded that they have been missing something. No societies in the past have ever so assiduously taught people to envy experiences that cannot by nature be theirs. The *National Lampoon* once put out a parody under the title, *The Job of Sex*, which captures exactly the arduousness of the self-torment to which Envy will always reduce use. Sex becomes a very tough grind.

But this form of Envy spreads into all our attitudes. Not only must we all be able to read poetry, we must all be able to write it. Time and energy are wasted in teaching "creative writing" to those who are unequipped for it; and even more time and energy are wasted inciting children to forms of "self-expression" of which their infant natures are incapable, and which nourish false notions of what their adult natures might in time become if they were sensibly directed. We are today surrounded by young people who think that they *are* artists and poets, because they think that they have *a right* to be artists and poets. They dabble and daub with no talent. It would be hard to count the number of young people who today, in the absence of any talent for anything else, foist themselves on us as filmmakers, or who have taken up photography as an art form. They are artists, and have a right to be artists, and be recognized as artists; and if they do not have the talent to do it with a brush or a pen, they will do it with a box of tricks; and so their Envy is for the moment appeased.

Constantine FitzGibbon once said that the legend of our time might be "The Revenge of Failure." This is what Envy has done for us. If we cannot paint well, we will destroy the canons of painting, and pass ourselves off as painters. If we will not take the trouble to write verse, we will destroy the canons of poetry, and pass ourselves off as poets. If we are not inclined to the rigors of an academic discipline, we will destroy the standards of that discipline, and pass ourselves off as graduates. If we cannot or will not read, we will say that "linear thought" is now irrelevant, and so dispense with reading. If we cannot make music, we will simply make

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noise, and persuade others that it is music. If we can do nothing at all, why! we will strum on a guitar all day, and call it self-expression. As long as no talent is required, everyone can do it, and we are all magically made equal. Failure has had its revenge.

Envy grows most naturally, said Aristotle, in relationships between equals. "We live in a society that perhaps as much as any other has pitted equals against equals," writes William F. May. He is writing of the United States, but I think that he misstates his point. The United States and other Western societies are not pitting equals against equals, *but unequals against unequals as if they are equals*. This is a distortion of the idea of equality, and it is this distortion, as much as anything else, that has enabled the enemies of equality to move to the offensive. To pit unequals against unequals as if they are equals is to make a breeding ground for Envy. The idea that we are equal has been perverted into the idea that we are identical; and when we then find that we cannot all do and experience and enjoy the things that others do and experience and enjoy, we take our revenge and deny that they were worth doing and experiencing and enjoying in the first place. What we are unable to achieve, we will bring low. What requires talent and training and hard work, we will show can be accomplished without them. We are scarcely able to admire any longer, respect or be grateful for, what is better or lovelier or greater than ourselves. What is exceptional must be pulled down or put down.

The gossip column is a symbol of an envious age, and so is the contemporary form of the interiew, which seems designed to ensure, in the same manner as the gossip column, that talent and achievement will be reduced to the level at which we can feel that we are their equal: that they are "just like us" and, in fact, even a little lower than us. Achievement or excellence, talent or even genius, must all be humbled. Nothing is allowed to seem out of the ordinary, beyond not merely our ability but our understanding. We throw away our newspapers and magazines, feeling cheated, if no one has been levelled in dust in them. We wait in ambush for the novel that fails, for the poet who commits suicide, for the financier who is a crook, for the politician who slips. Envy teaches us to gloat at another's misfortune, just as it teaches us to sorrow at another's good. It has long been recognized that *Shadenfreude*—joy at the suffering of someone else—is peculiarly a mark of our age; but Envy makes us no less despicable—in the face of the good fortune of another—by making us capable only of despising what is admirable. There is little now that we honor.

The special quality of Envy is that it is not merely a willful grieving on account of another's good, but a grieving because that good is regarded as diminishing one's own, and even as reflecting disgrace on oneself. This is its essence as a sin. "Merely to grieve that one does not have something that another has *is not envy*," says one of the authorized handbooks of moral theology; it is a sin when the envious person wishes that the other did not have it, so that he himself "might not suffer his imaginary disadvantage." This is the canker, and we have been warned that Envy is "natural to man" (Herodotus), that it is one of the sparks that "set all on fire" (Dante), and that it is "rooted in the human heart" (Sheridan). Any society must be on guard against inciting, more than it already exists in us, a passion so universal, and one which in turn incites other passions that are no less vicious.

One of the most uncomfortable facts about our economic system—which I intend to call capitalism, because it is what remains of its capitalist nature that is here most relevant—is that it is bound to incite Envy in those to whom it must sell. It must persuade everyone to want what everyone else has. In other words, just as Envy is a leveller, so must capitalism be a leveller: a fact that haunts every socialist, no less than it haunts every conservative. It has often been said that capitalism is more agitating and even revolutionary than is generally realized. It is ceaselessly provoking people to rebellion, because it is ceaselessly prodding them to Envy: to want what others have, and even to be what others are. Inevitably and restlessly, it makes people desire more, and then expect as a right what they desire, a fact that has baffled its critics over the decades, just as it has bewildered and dismayed many of its defenders.

It has been common for conservatives in the past thirty years to complain that people in the Western democracies are increasingly filled with Envy or *ressentiment*. They have usually attributed the growth of this envious feeling to the expansion of the democratic spirit: some would say, its aggrandizement. They would certainly agree with Aristotle that Envy grows most naturally in relationships between equals. There is something, of course, in all of this. Hereditary distinctions are less likely to excite Envy than any others, for example, since the elements of accident and fortune are so obvious that they can be neither a reproof nor a goad to us. When the Duke of Wellington said of the Order of the Garter that "there is no damned nonsense of merit about it," he was making a point which we can all appreciate. Where there is no suggestion of merit, there will be little excitement to Envy. The unsuccessful man does not envy a duke. He envies the successful man, whom he thinks is otherwise "just like him," and whose success he sees as a disgrace of himself.

But it is not only, perhaps not even primarily, the growth of democracy, and of the egalitarianism on which it is based, that has incited to Envy. It is also in the logic of capitalism that it must do so, because it has found no way in which to provoke people into thinking that they can have the goods that others have, without encouraging in them the accompanying belief that they are or can be as others are. Few socialist tracts are as *implicitly* and *insidiously* egalitarian as an advertisement

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on television; and it is an egalitarianism which, since it has no other moral or philosophical basis, must make unequals believe that they are equal in those very respects in which they are ineluctably unequals. This is one of the paradoxes of capitalism: for its purposes, and to that extent only, the mass market is necessarily a democratic market. Its defenders in fact talk about the "vote" of the consumer in the marketplace.

It encourages the notion that as consumers we are equal, but at the same time it says that it does not believe in equality. Its primary achievement has therefore been—and perhaps its primary object—to turn the discontented citizen into a contented consumer; and it then turns round in suprise when it finds that, although the consumer may indeed be satisfied, as a citizen he is still dissatisfied. It is exactly at this intersection, of the contented consumer with the still discontented citizen, that Envy and *ressentiment* will breed. Everything that the conservative now bemoans, often with justification—the weakening of social bonds, the erosion of traditional forms and values, the collapse of moral authority in society—in large part have their cause here, in the failure to keep the citizen in all of us abreast with the consumer.

The curse of capitalism, to conservatives as well as to its critics, is that it will sell anything to anyone; and this is true, not only of commodities, but of values. When it comes to selling, capitalism has no value but profit. It is capitalism that will sell as art what is not art, as books what are not books, as music what is not music, as morality what is not morality, as happiness what is not happiness. Wherever a buck is to be made, capitalism is there like a shot, and damn the consequences to society. The large corporations may salve their consciences by sponsoring a few cultural programs on public television, but these are only a gloss, and have no more impact than the Surgeon General's warning on a packet of cigarettes. In the rest of their activities—in the appetites they excite, the advertising they use, the general run of the programs they sponsor—they release the consumer to expect an endless gratification of his appetites as a right, while leaving the potentially whole nature of the citizen undernourished.

But there is another incitement to Envy in our societies. Let us return to the idea of merit. Not only all our societies, but all of what we rather charitably call our political philosophies, are based on the idea of a meritocracy: the notion that merit should be discovered, selected and trained, in our schools and universities, and then elevated to positions of power and influence, again by a process of competition, with the rewards and honors that are appropriate. What system could be more fair or more intelligible, how could there be a more rational or just way of doing things? But there is a worm at its core. A system of elites that are or are supposed to be chosen on merit must rest on two assumptions: that everyone begins with an equal chance from the same starting line, and that the rules of the competition are fair at every stage. It therefore always has to meet the levelling spirit of Envy, when someone asks why he did not make it to the top, instead of someone who is "just like him," and he does not believe the explanation that the successful man is any more able or talented than him.

This is the dilemma of a system which is based on merit. It produces (as it is intended to do) unequal results, but it can justify itself only by appealing to the very egalitarian impulse which it would like to allay, saying defiantly that we have all begun equal and have all had equal chances. There could be no more certain prescription for inciting people to Envy, for it leaves the vast majority of them with no choice but to see themselves as losers. In an equal race, they were defeated. If it is merit alone that is rewarded, then they have been proved to have little or none. This is one reason why a meritocracy is popularly described as a rat race. Those who are content with a system of "equality of opportunity" on the terms that now exist, and who defend it as rational and fair, must face the fact that it is as a rat race that it is perceived, and as such it cannot be expected to inspire either virtue or allegiance. The simple fact is that by exciting an egalitarian impulse, without providing it with any moral or philosophical basis, capitalism has done exactly what we noticed at the beginning: encouraged people to believe that the fact that we are equal, in the sense that as human beings we are all entitled to equal consideration, means that we are all identical, and that therefore not even unusual virtue in someone else can make us rejoice.

Envy has been allowed to become one of the governing motives of our societies, more than in any in the past, perverting the idea of equality, debasing the institutions and the ambitions of democracy, debilitating the notion of excellence and even achievement, corrupting any elevated sense of their own public life, and leaving the individual citizens to a dejected pursuit of what has been contemptuously brought down to the level of their assumed capacities. It is no wonder that Angus Wilson said that Envy "wears an uglier face than Lust's bloodshot eyes, or Gluttony's paunch, or Pride's camel nose, or Avarice's thin lips." It is a more secret appetite than these, and reigns more secretly in us. It also reigns more secretly in our societies, which have discovered that it may be ceaselessly incited and appeased, to replace any more strenuous longings or ambitions. While the spirit of Envy is loose in our societies, it can reduce our ambitions only to meanness and pettiness. This malice and evil-mindedness are in ourselves, a habitual sin, but never have our societies so conspired to inflame them in us.

This article is the second in a series excerpted from a book, The Seven Deadly Sins Today, *to be published next year by New Republic Books.*

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Stanley Kauffmann on films

Let Joy Reign Supreme

(Specialty)

Just last week I was bemoaning the current low level of imported films. So, of course, here, to prove the rule, is an exception. A scintillating exception.

Bertrand Tavernier's first film *The Clockmaker* (*TNR*, Sept. 4, '76) was made in 1973 and reached here three years later. His second film, *Let Joy Reign Supreme*, was made the next year and again took three years to get here. *The Clockmaker* was a very moving, generally subtle contemporary story, adapted from Simenon. It combined Simenon's penchant for examining character under the pressure of crime with Tavernier's political anger, and it also said something lovely about parents and children today.

Now Tavernier has turned to French history, the Regency of the early 18th century so wonderfully fixed by Saint-Simon. To collaborate with him on the script, Tavernier engaged Jean Aurenche, the veteran screenwriter who also worked on *The Clockmaker*. (Aurenche is in his 70s, Tavernier is 36.) Tavernier has used the same cinematographer, Pierre William Glenn, and three of the same actors, Philippe Noiret, Jean Rochefort, and Christine Pascal. The new film is somewhat discursive and is nagged by a few persistent faults. More on these later. But more, too, about the fact that *Joy* is sumptuously beautiful, delightfully intelligent, genuinely wicked and witty.

This film's antecedents are clear. On the one hand: the fine French tradition of a cinema that really *exists* in history—Feyder's *Carnival in Flanders*, Carne's *Children of Paradise*, etc., etc. On the other hand: Rossellini, who for French TV (French, mind you) made his exquisite *Rise of Louis XIV*. It seems something more than coincidence that Tavernier takes up the story figuratively where Rossellini left it. After a 54-year reign, Louis died; his heir was his five-year-old great-grandson, and the power went to Philippe, Duke of Orleans, as regent. (The score of this film is derived from music by Philippe.)

The year is 1720 now. The central action is a rebellion intended to set up an independent Republic of Brittany with the help of Spain. It's a rebellion of Breton aristocrats, with little popular support, and it's quickly crushed. It serves here simply as a focus for a lot of character interaction, in Brittany but mostly at the court, with long-range political and economic implication and with plenty of psychological and sexual revelation. Tavernier's interest was apparently two-fold: to show the period as a heightened epitome of present corruptions and also to use it as historical promise and threat. The Regency was a transition period between a long tyrannical reign (Does he mean DeGaulle?) sliding into a decadence that by the end of the century produced revolution.

Albert Guérard, in his excellently written history of France, says of Philippe:

> *. . . He was confessedly a rake, a roué, too honest to pay virtue even a hypocritical homage. Self-indulgent, he was indulgent with others. . . . But he was too indolent to be genuinely kind: he could be high-handed if he thought brutality would save him trouble.*

Tavernier and Aurenche capture these qualities in him along with a certain political "nose."

There was an affecting relation between two mature men in *The Clockmaker*, and this script has another (played by the same two actors, Noiret and Rochefort). Philippe's closest friend is the Abbe Dubois, a worldly priest, a humorous rogue who eventually became prime minister and a cardinal, the latter (says Guérard) "less as an honor than as a safeguard; for in France it is not etiquette to hang a prince of the Church."

The key word for this film is texture. First, the texture of the period: the power, cruelty, elegance, loyalties and betrayals, the snare of licentiousness for those who can command every kind of pleasure. Second, which makes the first significant, the texture of the film itself—utterly voluptuous. From the opening shot on the Brittany coast, Glenn's camera is breathtaking. In its faithful yet opulent colors, it's much like the work of Nestor Almendros (*The Marquise of O.*); there's no higher praise. The art direction by Pierre Guffroy, who has worked for Cocteau and Bresson and Buñuel, and the costumes by Jacqueline Moreau do everything that we hope for. And of course there are certain advantages in making a period picture in France—so many of the sets were built centuries ago.

Tavernier's direction is both marvelous and uneasy. Most of the time he is masterly in three ways. He moves his camera—not just to move it, like a Bolognini—to underscore the currents and to reduce editing within a scene. He gets *connections* between his actors that do double work: they construct a society, and they give us the extrinsic pleasure of an acting ensemble. And he composes large pictures strikingly. It's common here, in a palace hall or a street, for there to be four or five planes of action. All of them are authentic, and all are graded so that they feed the principal action, to give it the sense of going on while other people's lives are also going on. (The familiar theme of Auden's "Musée des Beaux Arts.")

But Tavernier is still a gull for the hand-held camera, scuttling up alleys, following brawls. It's a real rip in the texture. Why, suddenly, should the camera start mimicking what it photographs? And why should the

Films Worth Seeing

Annie Hall. Still top of the list, in more than alphabetical order. Woody Allen's latest bouquet of neuroses, and his choicest so far.

The Best Way. A modestly subtle French film about two male counsellors at a summer camp, and which one is *more* male.

The Spy Who Loved Me. The latest from the endless stock of Bonds. Not the best but far from the worst.

We All Loved Each Other So Much. Italian. The postwar years of three war comrades. Some sentimentality, much cozy sentiment.

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aspect suddenly become present-day? The intense subjectivity of the hand-held camera links the eye to the intense, camera-conditioned subjectivities of this century.

The script has tags and wisps. The wife to whom the Breton leader is forcibly wed won't speak, then one day she bursts out in a language no one understands. Why wouldn't she speak? What's that language of hers? The tremendous story of John Law, the Scottish financier who for a time controlled the French economy and was largely responsible for the forced colonization of Louisiana, is treated as if the audience understands all about it from the start. And the ending is a superfluous threat of change to come.

That ending is superfluous because it's implicit in the body of the film, not least in Noiret's rich performance as Philippe. Through the intrigues of politics and of orgies, Noiret conveys a view of self. This Philippe would not dream of relinquishing one iota of his powers or pleasures, but he knows, inside and quiet, that his having them all is ridiculous. It's a political-historical statement made through art.

Rochefort, the Dubois, is not as deep as Noiret but is somewhat wider in range. (He's now visible in a tedious farce called *Pardon Mon Affaire*, in a kind of role that Noiret would never play.) He plays comedy and gravity like a good comedian, therefore well. Christine Pascal, who was in the recent *Best Way*, is Philippe's favorite whore, adequately. Mariana Vlady, absent too long, is back as an ex-mistress of Philippe's, a gorgeous, burnished-gold forty.

The surprise performance, all bravura and panache, comes from Jean-Pierre Marielle as the leader of the pathetic Breton revolt. It's a character well-established in the 19th-century French theater—the Don César de Bazan role, the very poor, very proud and brave nobleman. Marielle, a theater actor, has been making films for 20 years, but I don't remember him in a previous costume role. He handles this one with every kind of flourish, physical and vocal.

Ah, those French actors' voices. Just to *hear* Noiret and Rochefort and Marielle coaxing every nuance out of their lines is one kind of ravishment.

One film is enough to show whether a director is or isn't a born film-maker. Tavernier proved himself, easily, with *The Clockmaker*. Now he shows something more: range. I don't know any contemporary of his except Fassbinder who has demonstrated such range of vision and sympathy. Tavernier has already finished another film with Noiret and a fourth film with Michel Piccoli and Pascal. He has also produced a film directed by Laurent Heynemann, his assistant on *Joy*. I ended my *Clockmaker* review with a plea to importers. I do it again. *Please. Soon.*

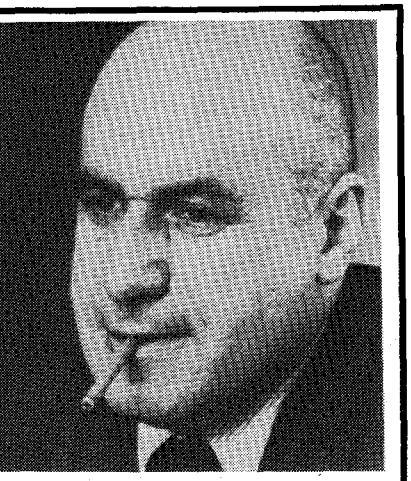
The Bookstores of Baltimore

Abe's and the Peabody

The canard must be very old, for it ranked as folklore when I first took up residence in the city. It asserts that a supposed trade journal sent a questionnaire to every book-publishing house in the country asking it to list in order the 10 worst book markets in America and got one reply with every line filled in with the same name: "Baltimore."

Yet the business directory published by the local telephone company—commonly described as "the Yellow Pages" because it is printed on canary-colored paper—under the rubric "Book Dealers; Retail" has at least 65 entries. This takes no account of wholesalers. Or of specialty shops handling medical books, or law books, or theological books and nothing else. For a city with something less than 900,000 inhabitants in a metropolitan area with close to two and a half million this would indicate that the traffic in books is by no means a negligible item of the city's total economic activity. Furthermore, almost every drugstore, hotel lobby, bus or railway station and news stand has a rack of paperbacks, some of them products of very respectable intellectual activity.

Such statistics raise the question, what is a bookstore? It is unanswerable,



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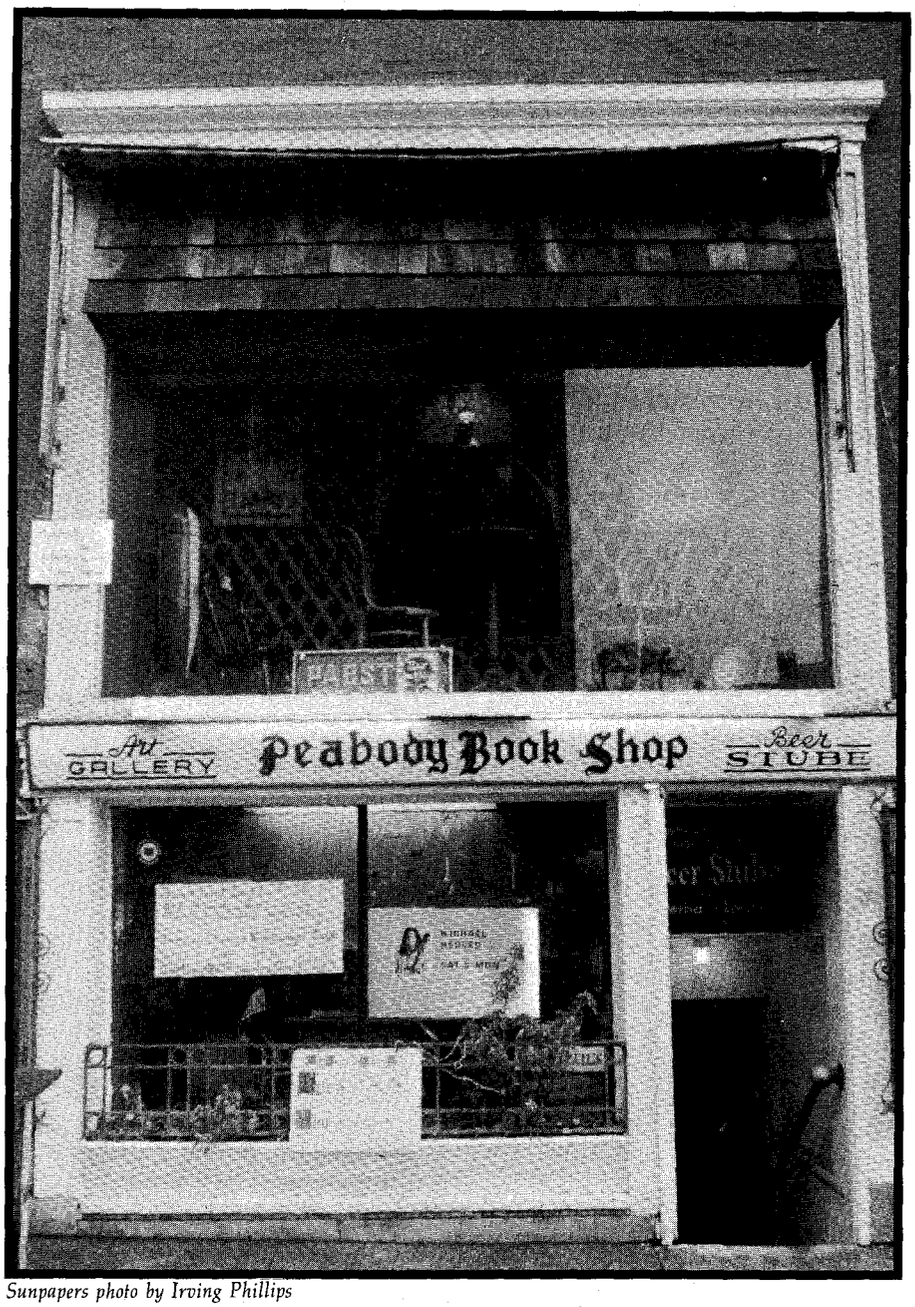

Sunpapers photo by Irving Phillips

not because nobody knows, but because everybody knows at least a dozen answers, all of them true, but many of them flatly contradictory. Of course everyone knows that it is the last link in the economic chain that connects writer to reader; but that, while true, is a hopelessly inadequate answer. In Baltimore, for instance, Remington's, while unquestionably a bookstore, is the oldest and in some ways most prestigious of the 65, although it has been sternly challenged in past years by Gordon's downtown store and four suburban branches. Yet Remington's is where the typical Baltimorean goes if he wishes to obtain in one transaction the Number One item on the *New York Times* list of best sellers in fiction, the Modern Library edition—all seven volumes—of Proust's masterpiece, and the latest edition of Merriam Webster's *Biographical Dictionary*.

But if Remington's is a bookstore, which it most certainly is, how is one to name Abe Sherman's joint, also on a corner of Mulberry Street, but a couple of blocks west of Remington's? Abe's joint originated as a news stand against the iron-picket fence surrounding the monument to the War of 1812, which stands in front of the block occupied by the courthouse, which stands in front of the square occupied by the post office, which fronts an open plaza before the War Memorial to the dead in the First World War. From his stand Abe dispensed the *Sunpapers*, the *Post* and the *American* to all the lawyers and most of the politicians in Baltimore as they passed on their lawful occasions into and out of the courthouse. Abe, a salty character, made lifelong friends of many.

The original link between Abe and me was that, although not in the same outfit, we had both been members of John Joseph Pershing's personally-conducted party touring France in 1917-18. We both brought back our original arms and legs, and I emerged without a scratch anywhere. About Abe I do not know, but if he was hit at all it was in a spot that didn't show and certainly wasn't disabling, because he went right back into the world's second fit of *delirium tremens* in 1939-45. I, having acquired three exemptions in the persons of a wife and two children, stayed put.

But shortly after 1945 Abe, returning with his limbs still intact, encountered a force more potent than Hitler or Hirohito in the revival of civic pride. In the dressing-up, the news stand had to go and Abe came in out of the rain under shelter of a roof. But is his establishment a bookstore? Well, whenever I covet a Penguin greenback (detective fiction) I repair to Abe's joint; so also if I require an extra copy of *Foreign Affairs* or *Daedalus*, or a Greek, Spanish, or Italian newspaper. Of scholarly theses, translations of foreign novelists and poets, now issued in paperback in increasing numbers, Abe stocks some 20,000 copies. He carries an astonishing number of color reprints of modern European painters. There you are liable to encounter any Baltimore politician from the Mayor down, or a learned doctor from Hopkins, or Loyola College, or Goucher, or the reverend pastor of some nearby church, to say nothing of hippies and collegians. And it is my possibly heretical opinion that such as these do more toward making a retail shop into a true bookstore than any number of ponderous tomes.

At any rate, for some years after his return from the Second World War, Abe continued his operations opposite the courthouse door. If, indeed, "the proper study of mankind is man" that news stand was an excellent school for a philosopher. When Abe Sherman withdrew within four walls and under a roof, much of his clientele followed him; Abe's sharp eyes see accurately and his quick wit judges shrewdly learned doctors, reverend clergy, politicians of every hue, and young people cherishing the delusion that by becoming hirsute and bedecked with gewgaws they may become what Daisy Ashford called "less mere." That human tide flowing through a mercantile establishment is what makes it a bookstore.

But this tide, like those of the sea

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drawn by the moon, responds to some indefinable quality in the proprietor of the establishment. It includes, but does not consist entirely of, genuine appreciation of what Mencken used to call "beautiful letters." In large part it consists of the ability to assess correctly the intrinsic worth of a man not measured by his bank account. This trait is not common in any population, but it is restricted to no particular human type; the widespread belief that it is more common in Simple Simon than in Socrates is an illusion due merely to the greater prevalence of the Simple Simon type over the Socratic in any given population.

Conspicuous exemplars of this fact were, during my time in Baltimore, the Weisberger brothers, Hugo and Siegfried, who opened the Peabody Book Shop in the 900 block of Charles Street. In the beginning the Peabody specialized in second-hand books, and it never handled all current publications. If it was in print the Peabody could deliver it within a day or two, and if it were out of print the shop could usually turn up a copy within a week or two.

The Weisbergers made a strong combination. Hugo, who died tragically early, was the philosopher—"dreamer" to skeptics—Siegfried was the business man—"hard-boiled egg" to skeptics—but neither was entirely consistent; Hugo could bargain and Siegfried could philosophize when, as, and if necessary. But what solidified my belief that the Peabody was not a mere emporium but a true bookstore, an agency subserving the arts and letters was, strictly speaking, a financial transaction.

Rummaging through the shelves one day I spotted a set of James Parton's three volume *Life of Andrew Jackson*, the Houghton Mifflin edition of 1883 in fine condition, silk binding intact, gilt tops, text printed from what I judged to be 9-point, leaded type in ink still more intensely black than that used in most modern books. I called to Hugo, standing near by, "I think I'll have to have this. What's the price?"

He said, "Mr. Johnson, that's not an ordinary book, that's a collector's item, and the price is $25."

In those days that was not the small change it is now; that was folding money. I groaned, but said, "Well, needs must. Wrap it up."

Hugo said, "May I ask what you want it for?"

"My publishers in New York," I explained, "are starting a series of short biographies on eminent Americans and have assigned Andrew Jackson to me. I have read two or three biographies of Jackson, but not James Parton's and to write on Jackson without having read Parton, even if he is outdated, would be preposterous. So, I'll have to have it."

"Oh, that's different," said Hugo. "Mr. Johnson, I haven't the heart to charge a man who is doing scholarly work a collector's price for a book he needs. Take the books. Keep them as long as you need them and then bring them back. I'll find some rich collector who is interested in prestige only and soak him for the full price."

I protested, but he was adamant. And, as usually happens with a book, the work went at a snail's pace and time sped furiously. After too long an interval I went back to the Peabody, informed Hugo that I was going to keep the books and handed him 12 dollars and a half with a promise to come through with the rest shortly. And a week or so later I handed him a five. He glowered and then burst out, "OK, OK, but this is it. The books are paid for, and don't bring me another cent!" I never did. To this day I

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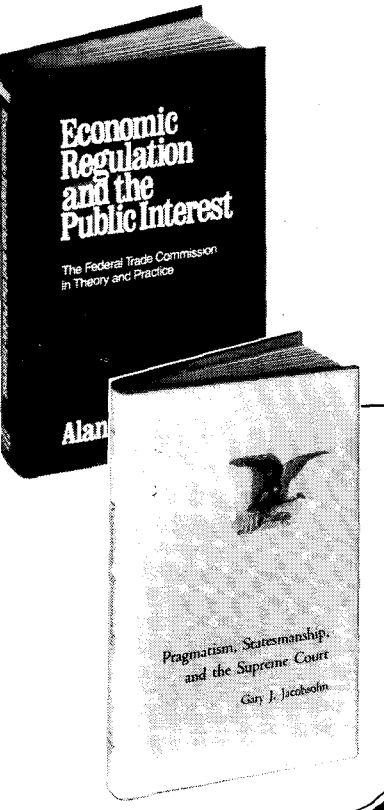
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owe him $7.50. And I hope that his spirit, wherever it may be, will not be perturbed by this public acknowledgment; for the item debited to me remains a shining credit to the booksellers of Baltimore.

Although hard hit by Hugo's death, and hit again by the death, just as he was coming of age, of an only son, Siegfried carried on, maintaining the Peabody Book Shop as a distinctive Baltimore institution. After the repeal of prohibition he opened to the public a large back room that had been used for storage, installed a piano and several small tables, and in a corner built a small bar over which were served beer and sandwiches, as in a Viennese *bierstube*. Sometimes the management hired a quartet of professionals to play until the premises closed at 9 o'clock, but more often the customers included students from the Peabody Conservatory who supplied their own music.

But eventually the business became too much of a burden for Siegfried. He sold out, and retired to a dairy farm still "green-walled by the hills of Maryland," but beyond the suburban sprawl around the city. The Book Shop still exists, still, I believe, a true bookstore, but with a different atmosphere and a different clientele.

Well, writing men, long before Proust, learned that "remembrance of things past" is no dish of bon-bons; memory is too often astringent. Yet the pageant is essentially the same; *vixere fortes ante Agamemnona* and doubtless *post* Abe Sherman there will still be vivid characters whose mere presence will convert news stands into true bookstores. Indeed it is probable that among the 65 there are today some that I have not discovered since my days of patrolling the streets afoot are long gone. In my time on its staff the *Evening Sun* used to place at the head of its weekly column of book reviews a drawing in the semblance of a bookplate bearing Emily Dickinson's lines,

> *There is no frigate like a book*
> *To take us lands away.*

I do not challenge the truth of the observation, but to it I would append one of my own—if the ship is to travel far and fast, it must be ably manned and have a really salty character on the bridge.

Gerald W. Johnson

This is the second of a series on favorite bookstores.

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Gala Power Black-Out Of New York City, July '77

'Allow me to assist you ladies,' said a tall black moustached youth to two burly black sisters struggling with an Ethan Allen maplewood dresser upstairs in Coleman's Furniture of Harlem while an elderly blind woman appeared wraith-like in the foyer of the St. Regis Hotel to offer a candle to black-out victims murmuring 'You see, I won't be needing this' while at Brooklyn General surgeons cheerfully operated by flashlight while the Met performed all of Parsifal by torchlight to standing ovations while fire hydrants gushed and residents of Gotham merrily soaped and shampooed and squirted one another and romanced while Mrs. Lucille Swann of the South Bronx returned her looted black-and-white TV in exchange for a color TV (like her cousin Lucy Duck of Detroit Michigan who did the same thing back in July 1967) while marshmallows were roasted in the parks and cherry bombs were ignited and there were free drinks at the GM Plaza and romances in stairwells beneath gratings in subway cars in church pews while a 'an almost festive atmosphere' prevailed by moonlight and firelight twentyfive hours of camaraderie we're-all-in-this-together an unidentified Puerto Rican youth climbed 107 floors on the outside of the World Trade Center to bring insulin in a vial between gritted teeth to a stricken diabetic refused a tip grinning immediately turned to descend the building 'I might be needed elsewhere' he said smiling while a bikini-clad gal passed out Italian ices in Central Park and the radiation biology labs of Columbia freed mice rats leghorns boas chimps in a moonlit bacchanal and the chorus of *Nude Thoroughbred Follies* high-kicked along Broadway and Mr. Arthur Musgrave of Des Moines, Iowa, collapsed in an epileptic fit at Lexington and 50th and was not struck by car cab bus truck or delivery bicycle for forty-five record minutes and democracy reigned at a champagne-caviar-Quetzalcoatl-duck-paté-stuffed-wild-boar block party at Fifth Avenue and 78th and the Angel of Washington Square Village descended by helicopter to disperse martinis to stranded high-rise victims and romances continued gaily in buses subways alleys waterfront niches and stairwells and Don Barthelme sipped contemplatively anisette on 11th Street by candlelight and by votive light the B minor Mass was performed at St. Patrick's for a special audience of Mookes Island paraplegics and firemen in Queens delivered a set of quintuplets by matchlight and an unidentified passerby stopped gallantly to assist a woman who turned out to be the visiting Queen of Iran 'Allow me to aid you lady as soon as I load up my own stuff' said the tall softspoken black gentleman with a case of potted pheasant beneath one arm and a case of Mary Cassatt Blackbird Rum beneath the other.

Joyce Carol Oates

Joyce Carol Oates's most recent book is a novel, *Childwold* (Vanguard).

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Books Considered

The Public Burning
by Robert Coover

(Viking; $12.95)

On June 19, 1953, minutes before the Jewish Sabbath, on a stage above Times Square massed with citizens, entertainers, dignitaries, and the government of the United States, "Ethel Rosenberg's body, held only at head, groin, and one leg, is whipped like a sail in a high wind, flapping out at the people like one of those trick images in a 3-D movie, making them scream and duck and pray for deliverance. Her body, sizzling and popping like firecrackers, lights up with the force of the current, casting a flickering radiance on all those around her, and so she burns—and burns—and burns—as though held aloft by her own incandescent will and haloed about by all the gleaming great of the nation—"

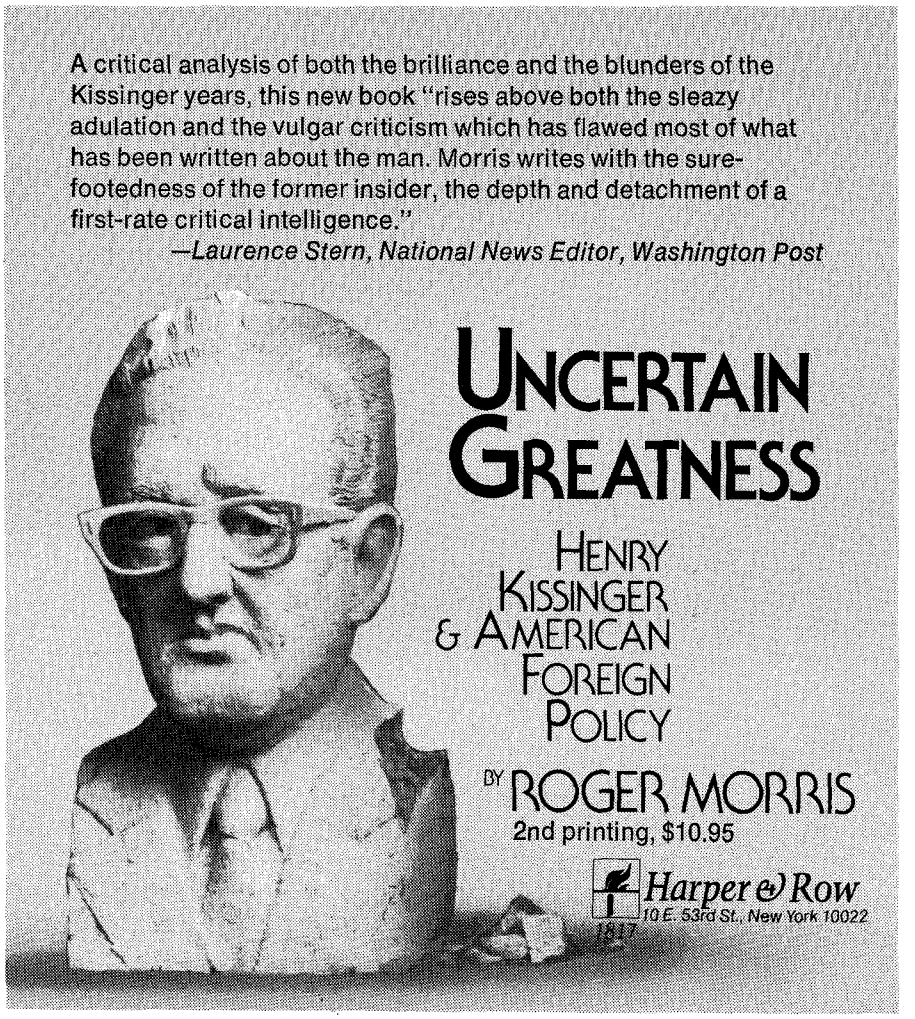
This is the climactic "public burning" of Coover's novel, the flash point of the multiple burnings, public and private, Coover wires together into an exhaustive indictment of a system of justice, a government, a people, and an era. When Julius and Ethel Rosenberg were electrocuted as "atomic spies" in Sing Sing in 1953, they were a political and humanistic cause célèbre. In *The Public Burning*, Coover moves their execution to the nation's "luminous navel" and makes them the center of a vast Manichean myth. Coover's Rosenbergs are the children of darkness in the land of light, agents of the Communist Phantom warring with Uncle Sam, the scapegoats of American civil religion, actors in a generation's morality play. They must burn because the public burns with rage at America's newly discovered weaknesses and burns with desire for some ceremonial binding and loosing, some Providential assurance.

Public needs are served (and personalized for fiction) by private burnings: witnesses' fantasies and hatreds, the Rosenbergs' glow of willed martyrdom, their lawyer's fierceness, Vice-President Nixon's obsession with the case. The panoramic and the personal, force and feeling, sacred and profane are joined to produce a work that demands comparison with *Catch-22*, *Giles Goat-Boy*, and *Gravity's Rainbow*.

Coover's earlier fiction approached these intersections but without the point and comprehensiveness of *The Public Burning*. *The Origin of the Brunists*, a story of religious hysteria in a small Pennsylvania mining town, is an uneasy mix of naturalism and revelation, the newspaper and an imagined good news. In *The Universal Baseball Association* Coover replaces naturalism with an invented table baseball game that he presses hard toward social and religious allegory. The stories in *Pricksongs and Descants* skim above fact into a region of literary magic. In *The Public Burning* the axis of fact and the axis of fiction are in equipoise. We read downward to man and up to God, left to history and right to archetype. At the center, double zero, are the Rosenbergs.

God's embodiment is Uncle Sam, a marvelous satiric synthesis of Thomas Haliburton's Sam Slick the Yankee Peddler, Davy Crockett frontiersman, Bible beater, and jingoist—manifest destiny with fast talk and a big stick. The Superhero of whom all American Presidents are but temporary incarnations, Sam flies through Coover's early '50s world fighting the Phantom, bucking up a discouraged nation, spreading the gospel of power pragmatism, and arranging the sacrifice. About half the novel is told through the omniscient eyes of what might be called Uncle Sam's scribe, a gee-whiz Jimmy Olsen voice modulating into the portentous voiceover of old newsreels. It is in these chapters that Coover sets up his frame of current events and public mood, ironically mythologizing as he proceeds toward the pan shots of execution hoopla.

Coover's choice of a narrator to alternate with the public voice is an unlikely one—Richard Nixon—but Nixon's intensely introspective sections effectively reinforce and, stranger still, challenge the Uncle Sam version of history. As Vice-President Nixon investigates the Rosenberg case, he muses on his own history from Yorba Linda to Alger Hiss, sees analogues between himself and the Rosenbergs, spots the weaknesses in the government's case, develops sympathy for the Rosenbergs, and even makes an impulsive trip to Sing


A critical analysis of both the brilliance and the blunders of the Kissinger years, this new book "rises above both the sleazy adulation and the vulgar criticism which has flawed most of what has been written about the man. Morris writes with the sure-footedness of the former insider, the depth and detachment of a first-rate critical intelligence."
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Sing to save Ethel Rosenberg's life and expose the FBI. Coover's Nixon is tricky, pompous, self-serving and self-pitying but also compassionate and passionate. Though finally a buffoon exposed on the Times Square stage and sodomized by Uncle Sam, Nixon does for a time break out of Sam's spell: "I was outside guarded time! I was my own man at last! I felt like shouting for joy!" Coover's ability to make this freedom momentarily plausible is one of the small feats of the novel. But more important, the Nixon chapters dramatize the private burnings—sexual longings, Horatio Alger ambition, catalogued resentments, the simultaneous attraction to and repulsion by "alien" victims—that were galvanized by the Rosenbergs.

The Rosenbergs themselves are rarely substantial figures. Coover allows them to speak directly in several "Intermezzos," but their role as victims strips personality. A phrase from one of Ethel Rosenberg's death-house letters, in which she calls the case a "ghastly farce," does indicate the way Coover plays his materials. While the trial is recalled as a travesty, it's the penalty that Coover finds a grotesque farce implicating those who made it happen and those who allowed it. The execution is a circus of Americana gone wrong. Organized by DeMille and hosted by bakeoff Betty Crocker, the public burning is murder Ed Sullivan style—music by the Pentagon Patriots, bows by the celebrities, film clips, comedy teams, trained animals, and a Disney act for the kids. It is a hundred-page tour de force of research and style, a loathing celebration of American culture, and a grudging recognition of tribal necessities. In these pages Coover has Arthur Miller, alone in a theater watching *The Crucible*, lament that "art is not as lethal as it might be," but the execution section and the novel as a whole are superior to "lethal art." Aggravated assault and battery, *The Public Burning* leaves the reader to ponder what history has hit him and what can be done about the wounds.

The Public Burning will probably cause the same kind of controversy that Styron's *Confessions of Nat Turner* did. Rosenberg partisans will object to the farce, especially a seduction scene between Ethel and Nixon. Others will quarrel with Coover's Nixon and the daft cowboy he makes Eisenhower. The left will feel defused, the right smeared, the center left out. Set-pieces, such as Uncle Sam's bombastic speeches and the presentation of *Time* as the nation's poet laureate, will be decried as self-indulgence. Details of the hundreds of documents, speeches, songs, movies, and other items of popular culture Coover includes will be found in error. Bad taste will be charged. History—whatever it is—will be defended. In any event or in all of the above events, *The Public Burning* is too important a book—too total and significant a vision—to be denied by taste or ideology.

There are some distinctly literary weaknesses in *The Public Burning*. Taking place over three days, the book moves more slowly than it needs to, incorporates details Jim Bishop-style because they are there on the index cards. Coover also works the schizoid alternations of Nixon's style for more comedy than they're worth. There are, too, some distinctly literary accomplishments: the finding of patterns and making of elaborate metaphors, the imitation of voices, the fusion of great knowledge with great passion. As for history, Coover's choice of subject and his research demonstrate his respect for fact, while his anthropological perspective suggests history is a fiction, perhaps finer-gauged than most yet without finality. But it is by stretching fact past "faction" to myth that Coover obviates history and makes *The Public Burning* a major achievement of conscience and imagination.

Thomas LeClair

Thomas LeClair teaches contemporary fiction at the University of Cincinnati.

Treasure Hunt
by Frederick Buechner

(Atheneum; $8.95)

In his essay, "The Face in the Sky," Frederick Buechner reveals something about the way he thinks and writes. He discusses one of the great, much-quoted epigraphs for our time, the opening sequence of *La Dolce Vita*, in which the effigy of Christ is strapped from a helicopter and swings mid-air, mid-century, over a city gone back to bread and circuses. Buechner is watching the film in a theater filled with laughing students and "their dates and paper cups full of buttery popcorn," and he says that the face of Fellini's Christ on the screen brings down a sudden hush upon the students, who, in it, recognize their own "secret face that they have never seen." It is the reduction of Fellini's acid chemistry to such a simple formula that I find interesting. Not only because it is sentimental; but because Fellini's vibrant skepticism seems like poor and hostile soil in which to try to root an image of the power of conventional Christianity.

Time and time again in Buechner's novels, and especially in his more recent ones, this tendency to self-defeat is manifest. One is often reminded that he is a man at odds with his own talents, who compresses a genius for lively prose and a marvelously comic imagination into themes and obligations which diminish them; while, in turn, his witty, ribald language and the extravagant machinery of his plots, make Buechner's serious themes seem sometimes coarse or tawdry.

Treasure Hunt is the fourth novel in the series about Leo Bebb, evangelist, flasher, saint and income tax evader, who, as far as anyone can tell, has gone up in flames, more or less comically, at the end of *Love Feast*, the previous novel. He only appears in this one, therefore, in home-movies, recordings, fantasy, dream and ectoplasmic visitation, which is quite enough. The plot, like that of earlier Bebb novels, is Gothic; a bouquet of incest, infanticide, miracles and mayhem, most of which seem to have neither narrative consequences nor emotional content. They happen to make noise, like events in a farce; but, unlike events in a farce, they occur soundlessly, offstage. Seductions, with no shred of passion left hanging to them, are talked about to someone, who tells someone else, who tells the narrator, Antonio Parr, who then tells us. Buechner tends to quote himself, and events which happened in earlier books appear in later ones with a sort of choral regularity of phrasing. Perhaps Buechner is saying something about the nature of memory, or reaching for the comic effect of the gossip of the gruesome which Voltaire and Swift, for

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instance, achieve with similar devices. But here, I think, the effect is more often that of repetition and dimness from too much distance. Often, too, Buechner omits the very details which he should not omit; for example when, in a book full of splendidly explicit language, he refers to Bebb's genital expositions with muffled euphemisms. Or, when he relates yet once more the story of Bebb's wife, who in a drunken rage has killed her baby with a toilet brush; in the last version of this, Buechner omits both the rage and the toilet brush, and treats us to the most romantic vision of child-abuse since Mary Hamilton went her way.

There is, in fact, an endless, heated, unconsummated flirtation in *Treasure Hunt*, between Buechner's lust for propriety and the massive improprieties he has chosen for his plot. The vile deeds and carnival stunts which make up all these novels might, left alone, erupt nicely into either farce or melodrama. But after creating them, Buechner never lets them alone long enough to fulfill their own purpose, and *Treasure Hunt*, at least, often reads like the Rabelais translation of *Wuthering Heights*.

Even with Bebb mercifully vanished, the plot revolves around him: he has left his native homestead to his adopted daughter, Sharon, along with a taped message to her husband, Antonio; "'I want you to do something nice with the old place. And I want you to do it for Jesus.'" Antonio, who has no character at all, not even the blankness of character which makes for a good narrator, does as he is told and goes to South Carolina. With him go his wife, Sharon, a foul-mouthed, wise-cracking young woman, with sloppy habits of contraception and housekeeping; Gertrude Conover, a Theosophist who likes to remember past lives; her incomprehensible but dignified black chauffeur, Callaway, who used to be a Pharaoh; and Brownie, a saccharine personage, whose humor rests entirely in his false teeth. One is reminded of those Broadway comedies of the '30s, in which funny people, easily recognizable from the second balcony by one large but harmless peccadillo, enter, collide and exit, without major social or dramatic consequences.

To remind us, however, that it is not the '30s after all, the travellers meet a more modern phenomenon in South Carolina. This is Bebb's twin brother, Babe, who looks like him, talks like him, and has replaced Bebb's Christian evangelism with a parallel religion of his own. He believes in UFOs, says he has visited other planets, and explains that Jesus is a spaceman who will stage his Second Coming not from an Apocalyptic cloud but from a flying saucer. Babe has equipped his teeth with receivers for space messages, and has turned Bebb's house into a temple for space-worship. He calls it a Uforium, and in it heals people with life rays, which also work to induce in the narrator a vision of redemption, starring the Lone Ranger.

The serious purpose behind Buechner's novel appears to be to add one further dimension to the three earlier novels' exploration of the many sides of faith. They explored the Indian hereafter, as well as Bebb's grandiloquent Christianity and Gertrude Conover's fantasy of reincarnation. *Treasure Hunt* adds to these the faith in an infinite future, exemplified by our Star Trek belief that other worlds in outer space will bring an apotheosis of our own expertise in hardware and gimmickry.

Babe is not merely Bebb's twin, but in fact his alter ego; his lunatic obsession with UFOs is a sinister but not entirely negative echo of Bebb's obsession with heavenly love. Buechner's narrator keeps talking about things "pulling in two," and Buechner seems to see the world in rather Manichean terms of good and evil in constant coexistence and struggle. Reality and dream coincide and conflict, as do the treasure laid up in heaven and the worldly treasure laid up God knows where, to which the title refers. Good brother and bad brother, at once identical, like Tweedledum and Tweedledee, are also at opposite ends of an ideological rattle, a riddle which Buechner explains by speaking of irony.

This is a novel, then, of philosophical pretensions. But while he is juggling metaphysical puzzles, Buechner loses sight of balances much more fundamental to fiction. For instance, the children of this novel, all the children, are victims of hideous ironies of birth and breeding, and of the cruelty or neglect of their parents. Displaced and abandoned by vagaries of incest and by mere carelessness, their lot constitutes an outrage to which the only possible fictional responses are either comedy or despair. But Buechner seems to lose himself somewhere between Oedipus mislaid on the mountain top, and Ernest mislaid in a handbag on the Brighton line, a bland limbo where the mistreatment of children seems strangely unremarkable, and where I, at least, do not want to follow him.

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I suppose in the story-telling regions of the mind, miracle and metaphor are often identical: the kiss that turns the beast to prince, the rose that knows the way home, the goose that lays golden eggs, the talking cat. Buechner is at his best when he trusts himself to such fairy-tales, when Rose Trionka, the Indian bride, floats down the aisle six feet off the ground, "as much under her own power as white clouds on a summer sky," or when Babe, passing wind in alien gravity blows himself twenty minutes' walk from where he started. But miracles, to stay miraculous, must serve a generous purpose, conversion of the heathen, say, or at least conversion of a frog, or they are nothing more than hocus-pocus. And metaphors, if they serve no particular meaning, are nothing but purple prose. That, finally, is Buechner's major sin. All his vast machinery of plot, his dreams and visions, his four volumes of literary allusion and philosophical speculation, his films and visitations and sermons, his characters and even his geographies, are unrelated by any general purpose, by any unifying principle of tone, or theme, or *raison d'être*. Buechner remains a man divided against himself, and *Treasure Hunt* is still, like much of his earlier work, a dismayingly clever magic act.

Edith Milton

Edith Milton's most recent book is *Corridors* (Delacorte).

Union Dues
by John Sayles

(Atlantic-Little, Brown; $9.95)

John Sayles's second novel is a story of flight and search, which begins in 1969 when Hobie McNatt leaves home (West Virginia) to follow his older brother Darwin, a hollowed-out Viet Nam veteran last heard from in Boston. At home, Hobie was known as a sweet-natured, likable kid, a swift, graceful high school athletic hero. Up north, he's only "a boy in an army jacket" (Darwin's): there are hundreds like him. He can't find work (or his brother), and drops in on a straggly visionary commune called "Third Way" who bicker among themselves, and with rival radical groups (the Black Panthers strike them as cop-outs; "the Weathermen couldn't plan a Tupperware party").

Hobie's father Hunter (a bit much, that name) is a widower, a stoical strong man whose co-workers in the coal mines want him around for his quiet common sense: they mean to support upstart Joe Yablonski's challenge to "Tough Tony" Boyle, in the upcoming UMW elections. But Hunter's love for his sons outweighs the claims of his "brothers." He, too, heads north.

Time and again, he almost catches up with Hobie. Told of "Dar's" whereabouts, Hunter hitches a ride to New Hampshire, *does* find this son. But Darwin is lost in a dreamy exploration of his own guilt and stupefaction. His response evokes the strange new world into which the kids have fallen: "Forget Hobie, he's part of it now, he doesn't belong to you. Go home." Though the story goes on long beyond those words, and some interim joys are found and tasted, they pretty much signal the end of things. The father pays his way into the System he's spent his life resisting. The son's allegiance to Third Way leads him into a horrifying dead end.

The omniscient narration moves back and forth between the two protagonists' "searches." But several scenes are shown from the viewpoints of peripheral characters—who are about to meet up with Hunter or Hobie. Two such characters keep reappearing (there's a reason for this): Vinnie and Dominic, Boston cops on patrol, bitching about long hours and short pay, the hassles provoked by "demonstrators," or runaways who won't talk to their distraught parents. The cops compose a funny Irish-Italian Greek chorus: they're wise and weary observers of their city's truculent pandemonium.

That's only one example of the kind of insider's knowledge which consistently enlivens this novel. Here's part of the patrollers' rueful conversation about a football wager: "Sayers. Jesus he was beautiful to watch."/"Poetry in motion."/"I dropped two hundred on the Bears-Packers once, didn't hodly notice, he put on such a fuckin show." This writer's ability to hear the way real people talk (also evident in Sayles's gritty first novel, *Pride of the Bimbos*) imparts a very special conviction to scenes involving mine- or factory-workers. There's a wonderful set-piece in a Boston saloon, where cronies rattle on about "pure, above-bawd patronage politics," and a lugubrious barfly mourns the passing of "poor Joe" (Kennedy). Sayles packs the book with irreverent, combative, funny and dirty songs and stories, as well as a flinty-eyed affection for the people who love to spout them.

The only real flaws show in Third Way's interminable "conferences." As Hobie observes, "argument seemed to be the language they spoke." I suppose the point had to be made, but Sayles overemphasizes their self-defeating absorption in round-the-clock talk and circular reasoning. It isn't credible: if the '60s radicals had been quite *that* disorganized, the Jesus Freaks and Young Republicans would have taken over the country, and buried them.

Besides, the ironies are manifest, and don't require authorial underlining. The people who try to share possessions and live simply are no match for the hard-nosed materialists. When Third Way splits into two factions (a nice touch), its militants declare war on industrialism and racism; ultimately, try to liberate oppressed laborers at the Athena Lingerie Company—but their Spanish-speaking beneficiaries can't comprehend what the hysterical *gringo* kids are up to.

The divisions plunge further down, hatching a crisis that exemplifies perfectly a society at war with itself: the radicals dream they're a kind of emergent union, inanely romanticize "the workers"; but the guys carrying lunchboxes have no use for the "communistic" freaks and fags. There's no way these people will avoid destroying one another.

The novel sets up its characters' hopes (and ours), then firmly knocks them down. We sense a common purpose uniting Sayles's people; they're all fighting the same kinds of battles. The sausage factory where Hunter (briefly) works is as blighted by union politicking as were the coal mines. Finding Darwin in New Hampshire, he happens onto the conflict between local rednecks and the "hippies" who innocently heist lumber from them: the gentle people don't believe in *ownership*—and get their ears pinned back. (All this occurs in Orford: the uninitiate should know that that's the home town NH's antediluvian governor, Meldrim Thomson.) The Boston hooker who lifts Hunter's wallet has her own "labor-management" problems—with her pimp. Even Vinnie

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and Dom scheme to stretch their paychecks, betting on ball games and local elections: the dream of the big score is *their* Utopian vision.

The parallels are reinforced by some scary foreshadowings. In Hunter's dreams, "Dar" is his mortal enemy. Hobie's fantasies "re-create" his brother's phlegmatic stories of the trenches in Viet Nam. A covey of Sunday hunters laughingly retell the one about the wounded deer that got away from them, on three legs. Hunter nags a nervous teenage hustler with insistent questions: he wants to understand what makes boys run away from home. He's required to renew an unemployment form, and the completed question-and-answer burns itself into his brain ("Did the number of your dependent children increase or decrease?"/"No").

In the final fifty pages, the alternating stories bounce off each other with terrific cumulative force. The bad times descend, just before Christmas. The newspapers break the story of the Indian takeover at Alcatraz—then, of the Yablonski murders. Everybody has to "pay dues" to the outfit he's managed to join. The book's last words are Hunter's hopeful optimistic ones—but we scarcely hear them (just as we disbelieve them), because of the sounds still reverberating from the penultimate scene.

Sayles's plot locks everything together tight. We believe things couldn't have happened any other way. Of course it can be said that this isn't, precisely, realism. The situations are carefully deployed, pitched to make us feel exactly what the author wants us to feel. The world of the novel is a trap, set to catch its characters.

The point is that Hobie and Hunter McNatt are so real, and we care so much for them, that it is painful to look at what we know is bound to happen to them. I could not keep myself from racing through the final chapter, even though I was afraid of the story's certain conclusion. Not many novels, or novelists, can overpower you that way.

Bruce Allen

Bruce Allen is a free-lance writer living in Kittery, Maine.

One Way or Another by Leonardo Sciascia

(Harper and Row; $7.95)

When Garibaldi invaded Sicily in 1860, he was liberating a backward island from feudal injustice to take its rightful place in the new, modern European state that was Italy, or so the official version ran. It was assumed that in the long run liberal institutions would eradicate the sources of ancient grievances, and favor the Italianization of Sicily. The opposite occurred. With each liberal reform, injustices multiplied. The Mafia attained a strength it had never had. And in the long run Italy was Sicilianized. History's bad joke has obsessed Sicilian writers ever since. For a century now, Sicilian writers as unalike as Verga, Pirandello, Brancati, Lampedeusa, and now Leonardo Sciascia, have all worked the same vein. They take the part of the lonely individual oppressed by the madness of society that respects no law but the unwritten one of *omerta:* a conspiracy of silence in the face of injustices that ruin both individual and society. Their works are peopled by shrewd, isolated observers, threatened by madness and death, tempted by exile and cynicism, desperately looking for some shred of truth, some value to grasp on to.

Sciascia is a tough and subtle moralist. He prizes the rare individual who penetrates the labyrinth of subterfuge, who manages to see what is actually going on, and to speak out, to act. This drive to read between the lines of the Social Lie unifies his large and varied *oeuvre*. Another one of history's bad jokes has worked to his advantage as a writer. For the Sicilianization of reality has not been limited to Italy, but is by now an international phenomenon. The unique combination of incredible stupidity, pettiness, meanness and pointlessly Byzantine maneuvering is as much a part of recent American history as it is of recent Sicilian history. The average American reader will find Sciascia's works uncannily accessible and strangely apt despite, or rather because of their 'Sicilianness.'

The Sicilianization of reality has permitted Sciascia to turn his attention outside of his native island toward the mainland—a move which other Sicilian writers have not always found easy to make. Unlike most of his other books, *One Way or Another* is not set in Sicily, but on the continent, somewhere not too far from Rome. The narrator, a successful Sicilian artist in his forties, happens upon an isolated, modern hotel that has been built around the hermitage of a dubious saint by one Don Gaetano. The Hotel Zafer, as it is called, is part of his empire of schools, orphanages and universities. Don Gaetano is about to conduct a retreat for the country's Christian Democratic ruling class, whose spiritual director he is, at this strange hotel-hermitage. For several days each year these politicians, prelates, owners of newspapers, industrialists eat like princes, attend sermons on fashionable spiritual topics, such as "the theology of hope," catch up on their correspondence, work out major deals, and fornicate. Yes, fornicate, for with the implicit approval of Don Gaetano, five of them have stashed their mistresses away in the hotel. The narrator, fascinated by this hypocritical charade, asks to stay on as an observer. Don Gaetano, cynical and amused, agrees in the hope of converting the fashionable artist.

Each evening the priest leads his flock in the recitation of the rosary. Sheepishly surrounding him in strict geometrical formation, they walk back and forth across the courtyard reciting their prayers. A scene out of Dante's *Hell*, as the narrator remarks. As they pray, one of them is shot. The murderer can only be a fellow retreatant. The police arrive. Another Christian Democrat is thrown to his death from a balcony. It appears that Don Gaetano knows a good deal, but refuses to cooperate. Don Gaetano himself is then murdered.

At this point, and to great artistic effect, Sciascia violates a sacrosanct canon of detective fiction: he makes his narrator suppress the crucial information that *he* is Don Gaetano's murderer. This fact, however, is easily deduced by the reader, who is forced to become his own detective. The reader is driven to reconstruct the narrator's version of events, to discover the missing pieces, and finally to decide whether the murder of Don Gaetano is a moral act or not.

Don Gaetano is one of the strongest, most intriguing characters that Sciascia has ever created. A brilliant intellect, a

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widely read, cynical master of paradox, a scornful, ruthless manipulator of the rich and powerful for his own ends. A good part of the novel consists of heated debate between the priest and the artist about politics and religion. Don Gaetano inevitably wins by spinning webs of mordant observations on his retreatants, the Gospels, mysticism, Voltaire and, above all, Pascal. Even the atheist narrator is frightened by the cock-eyed persuasiveness of this amoral Christian apologist. As he observes, Don Gaetano emits Christian doctrine "like a gas," to cover his schemes and asphyxiate his enemies.

Don Gaetano appears to move on a high religious plateau that transcends ethical questions. His every word challenges the hearer to reach some judgment about the relation of the ethical and the religious. The narrator-artist expresses his judgment in a deed that is meant to be a moral statement. He does not stop to explain how he reached this conclusion. The reader must decide if this murder is justified. Despite the narrator's intelligence, charm, artistic skill, despite the fact that he is clearly a better man than Don Gaetano or any of his Christian Democratic bigwigs, the reader is reluctant to accept him as a moralist. Early in the novel Don Gaetano put his finger on the narrator's weakness. He is a classical Sicilian Don Juan, à la Brancati. He loves women as a dream, as a romantic abstraction. He is incapable of a mature relationship. He is an irresponsible esthete. It is an open question whether his murder of the conniving priest marks a transition from observation to action, the abandonment of a passive esthetic stance for an active moral one.

I suspect that Sciascia wrote *One Way or Another* to exorcise or balance another, even better book he was working on at the same time. *The Disappearance of Majorana* is a subtle study of the mysterious circumstances in which Ettore Majorana, a Sicilian nuclear physicist, vanished in the '30s. Thought by many then and now to be even more brilliant than his younger colleague, Enrico Fermi, Majorana mysteriously retired from academic life, abruptly returned to it a few years later, then faked a suicide on the boat between Naples and Palermo. He was seen briefly a few more times, then vanished forever. Sciascia's thesis is this: during a visit to Germany Majorana saw the possibility of nuclear fission, its practical applications, the threat it posed to society in the hands of politicians. Terrorized, he retired into silence. The moral act of a good Sicilian. As others advanced down the path that would soon lead to the Bomb, Majorana underwent a deep crisis which was finally resolved by a kind of Pascalian religious conversion. Driven by a cosmic dread, he ended up (possibly) in the same hermitage where one of the American crew that flew over Hiroshima also took refuge. Although not intended as such, the book could be read as a religious apology, a study of the steps that led an intelligent and cautious man to a clean break with the world on the basis of a religious choice.

Religion enjoys little prestige in Italy today; it is identified with the Catholic Church whose contemporary misdeeds are well known, and which Sciascia himself has bitterly attacked elsewhere. Along with its secular arm, the Christian Democrats, the Church is a perpetrator of those injustices from which Italy and Sicily continue to suffer. *One Way or Another* is an anatomy of the relation between the Church and political power in the Sicilianized Italy of today. Don Gaetano is a counter-hermit, an anti-Majorana, who is *glad* at the terror caused by nuclear weapons in the hands of politicians, for this terror leads men to God. He is the antithesis of the good Sicilian who renounced power on the basis of an ethical and religious decision. Don Gaetano used morality and religion to acquire and maintain power. Unfortunately, for the American reader, *The Disappearance* of *Majorana* (like his two volumes of short stories, *The Wine-dark Sea*, and *Sicily's Uncles*, as well as his essays, *The Crazy Rope)* are still awaiting an enterprising publisher.

The volume is enriched by Kathy Jacobi's drawings, a welcome 19th century touch. It is too bad that the detail from Rutilio Manetti's *The Temptation of St. Augustine*, which appears in the Italian edition, is not reproduced, since it is several times referred to during the novel. Adrienne Foulke's translation is fluent and convincing. Where I checked it against the original, it is accurate.

John Ahern

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The Death of the King's Canary by Dylan Thomas and John Davenport

(Viking; $7.95)

Given the way poets approach experience, it is hard enough for them to write a decent novel—Robert Penn Warren at the peak of his powers being the most immediate conspicuous exception—and the difficulties involved in a poet's writing a decent comic novel would seem as insuperable as resuscitating the reputation of Fitz-Greene Halleck. Nevertheless, categorical statements like that are made to be defied, and something of the sort has just happened with the American publication of *The Death of the King's Canary* by Dylan Thomas and his friend, the critic John Davenport. (Criticism is another profession seldom given to gut-busting utterances.) Although they put this outrageous and thoroughly contemptible volume together—wrote is altogether too strong a word—its public appearance was understandably delayed until the last of its thinly-disguised real-life protagonists passed into that unknown country from whose bourne no libel suits return. Small wonder, for it is a vile little thing. The trouble is, it works.

It works because it's so utterly rotten. It works because of its sleepless malice and remorseless vulgarity. It works most of all because of the fine, unholy glee with which Thomas and Davenport portray Eliot and Auden and Cyril Connolly and Augustus John, all of whom (along with many others) stumble through its pages in transparent fictional greasepaint, pelted with slander at every step. From the moment when the drunken Prime Minister struggles to comprehend some of the most gawdawful poetry ever written, only to bestow the Laureateship on a decadent parodist (he can't tell the difference, not that it matters), to the insane *Walpurgisnacht* where this new King's canary ends up dead in a midget's doll house, the book is living testimony to the old adage that those humorists labor best who are unrestrained by the

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shackles of good breeding and the milk of human kindness.

True, the exercise is a little thin on plot, too fat on anecdotal character sketches that will mean little or nothing to the contemporary lay reader, and the shriek of axes being ground is frequently deafening. Also true is the fact that what happens to Messrs. Eliot, Connolly, *et al* is probably evil and certainly shouldn't happen to a dog. *The Death of the King's Canary* will not help Mr. Carter in his campaign to usher Thomas into Poet's Corner, nor is it likely to obtain a better table for Davenport in whatever hell awaits professional critics. The curious circumstance remains, however, that entombed between these covers is a percipient if beastly essay on some of the more extreme follies of late Georgian poetry, and just because it is a case of the outsiders attacking the insiders with every man and shilling they have, it does not necessarily follow that the insiders are by definition untouchable or that the outsiders are by definition wrong. It is hardly to be wondered that the book has been getting a universally terrible press, but in the interest of stirring the pot a little, I would like to point out that it happens to very, very funny. And it is virtually impossible for something like this to be very, very funny unless it is also just the teeniest bit true.

L. J. Davis

L. J. Davis, novelist and critic, is the author of *Walking Small* (Braziller).

Reconsideration

James Gould Cozzens

In the most recent annual bibliography published by the Modern Language Association, 2051 books and articles on American literature are listed: the fruit of one year's scholarship. William Faulkner is the subject of 140 of them, which may be overkill but still seems fitting. Hemingway got written about 78 times, Ralph Ellison 28 times, Norman Mailer 18 times, Saul Bellow 13. Even quite minor novelists appear. James Branch Cabell has his 11 entries, Richard Brautigan his six. Edgar Rice Burroughs got two: a book and an article. There is no entry for James Gould Cozzens.

At the 1975 annual meeting of the Modern Language Association, about 300 seminars were held on literary topics, in addition to all the section meetings, panels and addresses. Most of the seminars focused on an individual writer. Thomas Pynchon was the subject of one, so was James Purdy, so was Sylvia Plath. And so, on this occasion, was James Gould Cozzens. Two people attended.

There have been four books of even modest critical interest written so far about Cozzens. There has been plenty of time for more. Cozzens is a contemporary of Faulkner and Hemingway, or almost one. Faulkner was born in 1897, Hemingway in 1899, Cozzens in 1903.

Of the four books, the best is by a Belgian named Pierre Michel, who teaches at the University of Liège. He wrote it on commission from an American publisher, as part of that publisher's extensive series of books on American authors. Michel is the only foreign scholar to contribute a volume to the entire 200-volume Twayne United States Authors Series. Presumably no American scholar of equal competence could be found. The second-best of the four books is by an Englishman, D.E.S. Maxwell.

If one feels, as a fair number of people do, that Cozzens' *Guard of Honor* is the best American novel about World War II (in such minds *The Naked and the Dead* comes a not particularly close second), there is a mystery here. If one sees the nine novels that Cozzens published between 1931 and 1968 as one of the two or three most solid bodies of work by any living American, the mystery becomes intense.

Cozzens has not lacked recognition outside the scholarly world. He has his Pulitzer Prize (best novel of 1948), and his Howells Medal (best novel of the five-year period from 1955 to 1960. The winners for the two preceding lustra were Eudora Welty and William Faulkner.) He was elected to the National Institute of Arts and Letters as long ago as 1943. His books have sold well, and continue to. Some years ago Harcourt Brace gave him the honor of a uniform edition—that accolade so appealing to Henry James's characters, and to Henry James himself. The same firm is just about to publish his literary notebooks, as one might for any major author. But meanwhile his work is treated by most American scholars and critics as if it didn't exist. Why?

I don't pretend to know the whole answer, but I think I can guess some of it. And I see three main reasons why Cozzens has been treated as he has.

The first of these has to do with the kind of fiction he writes. As most people know, American fiction from the very beginning has tended to the romance rather than to the novel. Reality is defined within the self, rather than in the external world.

The panoramic social novel has been especially rare, and has seldom been much appreciated by critics when it did appear. Hence the comparative academic neglect of a writer like the one for whom the medal was named, William Dean Howells. Hence the tendency of a critic even as good as Irving Howe to misunderstand and to undervalue Henry James's one major social novel, *The Bostonians.*

The reason, I think, that critics and scholars tend to undervalue or to ignore the social novel is that it does not lend itself to multiple interpretation. There is therefore less (though still plenty) to say about it. One can speculate endlessly about mythical Yoknapatawpha County, and the patience of editors is one's only limit. But in discussing Cozzens's merely imaginary Brocton County in *By Love Possessed*, common sense is also a limiting factor on what one can say. More than many academic critics and scholars may care to face, their likes and dislikes are influenced by what one can talk about for 50 minutes (or perhaps three times 50 minutes, if one is lecturing for a week on a book), and continue to say things that will not seem trivial to the students; by what one can write about for 20 pages, and seem new.

Furthermore, even within the mode of the social novel, there is a division between those which have a romantic tinge and are quest novels, and those which have a classical tinge and discuss a reality already found. All of Cozzens's best work is classical, and assumes a discoverable and discovered real world. (When he writes a quest novel in *Ask Me Tomorrow*, he is at his weakest, though still recognizably a major writer.) Again,

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the quest novel invites speculation in a way that a novel about a known and charted world does not.

My first reason, therefore, is that it is simply harder to write about Cozzens than it is to write about the romancers who form the majority of our authors, whether Poe and Hawthorne back then, or Pynchon and Ellison and Updike now. I don't claim it's easy to write *well* about Poe or Pynchon—indeed, I think it is just as hard as writing well about George Eliot or Cozzens—but I do claim that the ordinary mediocre piece is harder about a classical writer.

The second reason I see why scholars tend to ignore Cozzens is of a much more temporary nature. I think current literary fashions in this country are antithetic to the milieu about which he writes. There used to be an idea in Europe that the aristocracy is interesting and inauthentic. Cozzens suffers from a somewhat similar literary view that began to appear in this country after World War I, and that became dominant after World War II.

In this view, there are two centers of reality in America. One is major-city culture, dominated for most of this period by New York, and currently co-dominated by half a dozen cities on the two coasts, and even one or two in the interior. This is the one likely to define reality for most critics and scholars; and in my European parallel it would correspond to the aristocracy. Urban intellectuals—and even, yes, the New York Literary Establishment—tend to play the tune to which the world of scholarship dances.

The other reality center is rural. "Rural" can include towns of quite considerable size, such as Jefferson, Mississippi, or Salinas, California, provided they are dominated by pastoral values, and hence are an alternative rather than a rival to the big city.

But what doesn't quite count or isn't fully acceptable is the town or small city which is dominated by urban values (quite different ones from those of the big city), which thinks it is a center, and which hence is in conflict with big-city culture. Willa Cather drew this distinction in *My Antonia*, where farm mores are sharply different from those of the small town, but not so different from those of the great world beyond. Sinclair Lewis hammered at it in *Main Street*.

Almost all of Cozzens's best work is laid in small towns or communities with urban values. Brocton, Pennsylvania, in *By Love Possessed* is no more notable in this way than Ocanara Army Air Force Base in *Guard of Honor* or Childerstown in *The Just and the Unjust*, or New Winton, Connecticut, in *The Last Adam*. In each case you have a center which is yet a provincial center, which has firm traditions of its own, and which has little or no desire to drop its own values for those of the big city. On the contrary, representatives of big-city culture, like the lawyer Mr. Woolf in *By Love Possessed*, tend to be seen as threats and even as corrupters. In our prevailing literary view, they ought, of course, to be seen as bringers of enlightenment.

A corollary to Cozzens's choice of milieu is that he tends to be seen as an extreme conservative—even anti-Semitic, anti-black, etc. For all I know, he may actually be these things—though as to the anti-Semitism, a marriage to a Jew lasting 50 years is not one of the usual hallmarks of your really committed anti-Semite.

But in his fiction what produces that sense is the difference in values between the provincial center and the metropolitan center. The metropolitian center is, of course, pluralistic. It is the place where roots matter least, and oneself now matters most. It is the place too big for everybody to know everybody, so that one is mostly anonymous—both free and alienated. It is the place where you run things up the flagpole, and see who salutes. (In the provincial center, you know in advance.)

By contrast, both the pastoral milieu and the town milieu tend to carry a single set of standards, which express and contain the whole history of the place, which all accept. There is one network—and maybe one hierarchy—of which everybody is a part. Even a hermit fits into his special hermit niche. Outsiders must either join the network or disturb it. To join it, they must accept its values.

In the case of the pastoral milieu, this unity is no offense from the metropolitan point of view. Pastoralism is partly a myth, anyway—existing, as John Lynen has pointed out in his study of Robert Frost, as much in the minds of city men as in any actual conditions in the countryside. And to the extent that there is a reality, it is a largely powerless one. The Vermont native, holding firmly to his way of life, and resenting outsiders, can be seen as quaint, or even endearing, because on Labor Day one will bid him farewell and return to real life. Even a Snopes, as long as he stays in Frenchman's Bend, is funny. But the provincial town is real, and it has power. Its unity poses a serious challenge to the

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diversity of the city. And for that reason it is likely to be seen not just as different but as wrong.

Mr. Woolf's visit to Brocton makes a good example of the conflict. Eliot Woolf (even his name is pluralistic) is a New York lawyer who has come to Brocton as additional counsel in the settling of a complicated estate. As a matter of what would be routine procedure in New York, he challenges everything that seems reasonably challengeable, including the fitness of Arthur Winner to be auditor in the hearing. Knowing the statutes and rules of court that cover these matters, but not knowing the interpretations of them that the Brocton courts have followed for many years, he loses both his major challenges. He takes this amiably. But in merely making the challenges, he has grossly offended local mores (from the Brocton point of view, he hasn't just raised points of law, he has questioned the integrity of two leading lawyers, while ignoring the country's history), and he is seen as a pushy New York Jew.

Anyone who thinks this is all Cozzens isn't reading closely. As a matter of fact, Cozzens embeds not one but two nice ironies here. One result of the challenges is that old Noah Tuttle, the dean of the Brocton bar, loses his temper, insults Woolf, is pushy as anything, must later crawl back with an apology. The other is that Eliot Woolf, behaving like a gentleman once he has learned county procedure, declines to press a third challenge which he *could* have successfully made. Had he pressed it, it would have turned out that Noah Tuttle was guilty of gross irregularities in managing the estate.

The "problem," in other words, is not what happens, but how Cozzens presents what happens. He presents it entirely from the Brocton point of view; and instead of making that point of view humbly provincial, he acts consistently as if it were the true central American reality. This, I think, is his primary offense in the minds of many critics.

Even his style compounds the offense. To my taste, he is one of the supreme stylists in American literature. I mean, he writes well. But what he writes is the periodic sentence, the highly wrought paragraph, the book which is clearly the product of the whole history of English and American literature. Such a style is exclusionary. It's not difficult to read, in the way that almost any important work in social science is difficult, or in the way *The Sound and the Fury* is difficult. But it does withhold itself, at least in part, from the reader whose ear is not attuned to the cadences of language, and perhaps from the reader whose past has not included considerable reading of classical English literature—books in the high style. Perhaps a better way to put it would be that Cozzens seems to assume consistently that there still *is* a high style, and not merely a lot of different ways of writing, which there is no way to grade or rank or sort. As opposed to the ingratiating openness, the friendly looseness of the American casual style, which invites the reader in ("come as you are"), a chapter of Cozzens makes demands, puts the reader on his mettle, may even shut doors in his face. You can do that in the pastoral milieu, as Frost did, but not so readily in the town milieu.

The third reason why Cozzens has been ignored by scholars and critics is the least important, and perhaps not even worth bringing up. But I will all the same. He has invited it, principally by ignoring them.

There are several common public stances that American writers take. (By calling them "stances" I don't mean to imply that they are fraudulent; I think they are often perfectly natural and sincere.) What they all have in common is that they acknowledge the existence and power of the critical world. This is as true of J.D. Salinger doing his damndest to hide from that world as it is of Mailer writing *Advertisements for Myself*, or Faulkner agreeing to a *Paris Review* interview, or any novelist trying to pull strings about his reviews.

Cozzens, much of the time, has not seemed to notice that the critical world was there. He has not made himself available for interview. He has not defended his work when it was attacked, nor shown much sign of pleasure when it was praised. He has never gone on the college lecture circuit; and so far from consenting to be an eminence at writers' conferences (a useful way to make disciples, some of whom will later write articles), he went out of his way in *Morning, Noon, and Night* to hold such gatherings up to scorn. He has ridiculed what critics, or one class of them, centrally do. "I have no theories about literature, and other people's irk me," Cozzens wrote, back in 1940—a know-nothing remark. It invites counter-scorn.

It is not really true, of course, that Cozzens is totally indifferent to literary theory. A great deal of literary theory is implicit in the novels of his major period; and much of it becomes explicit in the last of them, *Morning, Noon, and Night*. (The book does not gain from this explicitness.) Indeed, Cozzens himself once edited a critical text, though it was never published. But had the Boston publisher B. J. Brimmer not gone bankrupt in 1925, his second book would have been called "*The Criticisms of John Keats on English Poetry*, selected from his letters, with an introduction by James Gould Cozzens." It got as far as being partially set in type. The editor for whom he did the Keats book, incidentally, and who had previously accepted his first novel, was a black: William Stanley Braithwaite.

But whatever his private views were, Cozzens's public stance has been that of a man walking through a crowd of critical midges, and not even bothering to brush them aside. I think it is a mistake, but a humanly understandable one, if the midges have responded by ignoring him, except for an occasional bite.

Noel Perrin

Noel Perrin is professor of English at Dartmouth.

The Back of the Book

Another Season for Making Whoopie

The fair and kind way of looking at the new television season is *Newsweek*'s and *Time*'s, both of which ran cover stories (Sept. 5) calling some shows good, some bad, some promising. The unfair and unkind way is not to give the new season a chance, to state flat out that TV is junk, that it perpetuates junk, and that it

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thinks of us as junk, too. Take that way and people yell at you, claiming that the medium is barely in its infancy. But what if it isn't? What if its time is up? Would it not be fairer, even kinder, to pull the plug?

If we watched no television in the next 10 days, here is what we would miss:

Sept. 12: *The Fitzpatricks*—"Raising four kids on a shoestring isn't easy. But love, laughter, and guts keep them together."

Sept. 15: *CHiPS*—"Highway cops at work and play."

Sept. 16: *Sanford Arms*—"America's funniest rooming house."

Sept. 17: *The Bionic Woman* "fights a raging forest fire," assisted by Maximillian, the bionic dog.

Sept. 18: *Gus*, a Disney movie about a place-kicking mule.

Sept. 19: *Rafferty*—"Come hell or hospital foul-ups, no one steps between Rafferty and his patients."

Sept. 22: *The Man from Atlantis*—a water breather.

There isn't one of us who could not predict exactly what these shows will be like. Still, year after year 60 million hearts tremble in the desperate hope that this season will be different. Then slowly the new shows disappear. The man from Atlantis flips in spasms on his stretcher as he is carried off to join Lloyd Bridges. Maximillian and Gus rest in peace beside Cleo the talking basset hound and the famous Mr. Ed. Or worse, they join the living dead, like *Family Affair* and *The Brady Bunch*, and keep coming at us like zombies.

If these programs are successful they will breed "spin-offs," the system which spots the biggest idiot in a series and gives him a show of his own. Or they may combine in a single series called *Gus's Gang*, which starts out with Gus place-kicking old man Fitzpatrick into the rollicking Sanford Arms. CHiPS arrives, to everyone's amusement, and playfully takes Fitzpatrick to the hospital. As Rafferty starts to operate, a pipe bursts and 10 feet of water gets between Rafferty and his patient. But the man from Atlantis finishes the job, and the show ends with everyone down to his last penny, laughing up a storm as wacky Maximillian knocks over a fire hydrant.

Such things can happen on television because the medium has a rockbottom opinion of its audience. In the *Newsweek* piece Paul Monash of CBS is quoted as saying "with a wry grin" that TV no longer thinks of its audience as a child of 12; "I think we're up to the 18-year-olds." At the same time TV executives think of us 18-year-olds constantly. Fred Silverman, the ABC programming genius on the cover of *Time* "does not have to pause and think what 60 million viewers will want to see: he knows, or usually knows, because he is one of them." Producer Dave Gerber put it that Silverman "literally would like to get inside the TV and be one of the characters." The cover photo of Silverman, which makes him look like a crazed Hal March, shows him trying to do just that.

As a method of art there's nothing wrong in trying to "be one of the characters." Keats praised Shakespeare for that quality precisely. But Silverman and his cohorts do not think: how should this character behave? They think: how will those 60 million dopes out there *expect* him to behave? The difference is not the difference between Silverman and Shakespeare—we don't ask TV for high art. The difference is between what TV currently offers and good popular art, which, like good art anywhere, is built from within.

Television shows used to be built from within, but that was a long time ago. The era that produced *Show of Shows, Playhouse 90, Naked City, Topper* and *Studio One* was miles ahead of this one even if it was the era that also produced *My Little Margie* and *Winky Dink and You*. Now the ratio of good to bad has shifted so drastically that otherwise sensible people are staying up late to catch re-runs of *Sergeant Bilko*.

Let the thing go. Junk it, crate it, make it into a planter. If you're worried about what will happen to all the TV writers and producers, plenty of carnivals are ready to employ them. If you're worried about missing *Soap*, the new sit-com about "homosexuality, promiscuity, and impotency," you can get that stuff at home. As for regaining your mental balance, it may take a while to clear your mind. But one fine day you'll wake up, and before your eyes will be no Fonzie, no Merv, no Johnny, no Dean; no Kotter, Gomer, Hogan, Gilligan; no Flintstones, Monkees, or place-kicking donkeys. Only dirty but silent air.

Roger Rosenblatt

COMING
Frank Freidel on
Harry Hopkins

TRB, *from page 2*

largely accomplished what it set out to do—saved millions by paying low wages and evading the law. The Court itself seemed to feel something lacking in its penalties: "The harm threatened by Stevens' continuing violations of our orders cannot be underestimated," it said. "The Company has flaunted its disobedience of our orders, undermining respect for this court and for the rights of employees." Some of these judges don't understand free enterprise.

Maybe Mrs. Bailey's fear of being fired for exercising lawful rights and endangering her "little young boy in college," and Lou Harrell's delay in getting compensation for brown lung from cotton dust, are trivial matters. And yet maybe the Stevens case is the biggest story going on around here. The atmosphere in the Thompson subcommittee's hearing the other day took my memory way, way back to what it was like in Flint and Detroit when the auto workers were trying to organize in the 1930s. Is it possible that that mood still exists anywhere in America today? Why, of course it does. The Carolinas are largely non-union and wage-rates are about two-thirds of the national average for manufacturers. A lot of textile workers work eight hour shifts, six days a week, 51 weeks a year. Suppose the union (the Amalgamated) wins a plant election. Then the company must bargain "in good faith." But how define good faith? In one plant Stevens has been carrying on the charade, called "surface bargaining" for three years. To this day not one Stevens plant has a collective bargaining agreement.

If Stevens pays a fine for defying the law, the government pays half; the tax law permits the fine to be written off as a legitimate business expense. And the same benign government gives out contracts to the violator; just recently Stevens got a $3.4 million Army contract for clothing material. (Defend your country in a non-union uniform.)

The union is organizing a boycott of Stevens's products (Fruit-of-the-Loom; Gulistan carpets, etc.). President Carter also now urges Congress to put teeth in the labor act. (The Russians would be amused at Stevens as the symbol of American human rights.) Speaking for a group of 14 investigating Carolina clergymen the Reverend Collins Kilburn testified of "the most striking thing" we learned, talking to workers: "The pervasiveness of fear."

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Washington Diarist

Enjoy Your Diarist

I recently had a house guest from England who gave me an opportunity to understand what Burns meant when he said,

O wad some power the giftie gie us
To see oursels as others see us!

It is extraordinary how our common language divides us, but also how it illuminates curious similarities. The value of foreign observers is that they offer a perspective free of our own prejudices and cultural baggage; at the same time they are often eager to draw comparisons with their own country that simply don't apply. It is difficult to explain to someone raised in a parliamentary system that it is possible to sit in the Cabinet over here and remain entirely powerless. The notion of affirmative action, of course, left him entirely mystified, and being largely out of sympathy with it myself I'm afraid my explanation wasn't very persuasive.

He kindly presented me with a bottle of wine from his cellar at home and was, I think, slightly annoyed when I took him around to the neighborhood supermarket and showed him the same rare vintage packed among the Cheese Doodles, Diet Pepsi and Count Chocula cereal. He examined cantaloupes, watermelon and eggplants like the exotic foreign delicacies they are. We packed the groceries ourselves at the check-out counter and he was flustered when the clerk smiled at him and said, "Thank you for bagging."

Americans, it seems, are alternately very rude and very gracious. The subway employees in New York apparently had been hostile, almost menacing; in Washington a policeman went out of his way to give careful directions. This brings me to a set of phrases that, if I am not mistaken, are rather new on the scene: the business in a restaurant of the waitress saying, "enjoy your meal" after she delivers the food. I find it slightly ominous. Is it a wish or a command? It seems to be one of those gratuitous pleasantries that, with repitition, lose what little meaning they had in the first place, such as, "Have a nice rest of the day." The logical conclusion was reached at the door of the new Smithsonian Air and Space Museum where we were greeted with a sign cheerily imploring us to "Enjoy your museum." I suppose the 'your' is the government's gracious way of acknowledging our taxes; in any case it is difficult to decide exactly what they mean. Americans are both sloppy and exacting in their use of words. When we saw the word "waitperson" on a menu we didn't know whether to laugh or cry.

A friend very kindly arranged for a private tour of the west wing of the White House for us. Getting through the gate was nearly as complicated as passing from West to East Berlin, although, if I may say, rather more rewarding. We affixed plastic cards to our lapels and strolled into the fabled precincts where, as decisions are made daily affecting the course of events in the Western world, we were serenaded by Muzak. My friend was impressed by the modest size of the place and the casual mixture of posters endorsing the Equal Rights Amendment and furniture from the Quincy Adams administration. We could not understand why the oval office intimidates Presidents as it is so small; Walter Mondale's office is scarcely larger than my own and might someday usefully be transferred intact to the Smithsonian as a standard example of the habitat of a mid-20th century politician. It contained a table loaded with family pictures and bookshelves filled with volumes presented to him on his various travels, including my own favorite, *Les Oiseaux de Zaire*. Presented by Mobutu Sese Seko himself? We agreed, however, that the place does have a distinctive aura, augmented by history and our imaginations. I rather wished we would bump into our own John Osborne and leave him wondering what on earth Terzian was doing there, and who does he know anyway? As we left through the northwest gate a band of tourists looked at us expectantly. Not wishing to disappoint them, I gave them a regal wave. The White House can do that to you.

As a so-called journalist I tried to explain to my friend the role of the press in this country, and rounded up as many newspapers and magazines as I could for illustration. What he really wanted to see, however, was television news, and with a sinking heart I switched on a local hour-long presentation. Now, it is true that the summer usually is a thin period for news and that, as the Lance episode illustrates, reporters will cling tenaciously to whatever story wherever they can get it. But the first half-hour of the show was devoted exclusively to the recently deceased Elvis Presley. Not five minutes, not seven minutes, but an entire half-hour—and it may very well have been more as I turned the set off halfway through in mortification. For this we have the First Amendment? I assured him that network news is of a higher caliber, and so the following evening switched on John Chancellor, who I think is suitably ponderous and apt to impress a visitor. Sure enough, in a story about inventions, Chancellor remarked that some of them would astonish even Leonardo Da Vinci, "who was a pretty imaginative fellow himself." At that I gave up and joined in the laughter.

With all that, though, I think I put on a good face, and my friend will report back that the ex-colonists are showing encouraging signs of maturity. As a native Washingtonian I like to boast about the wretched weather—the record heat, the unbearable humidity, the still, oppressive nights. As it turned out my guest arrived in what was to be an entirely unusual week: the sky was clear and bright blue, the temperature low, there was always an invigorating breeze; we could walk around for hours without discomfort. We made a pilgrimage to Mount Vernon and, sitting out on the lawn overlooking the Potomac, agreed that for an insurrectionist George Washington must have been a civilized man.

Meanwhile, a few miles up the river, what my friend called the "federal capital" lay in wait. Washington has a calendar like a school year. It comes alive in September and closes shop for the summer. Now, we are back to work. Congress is again in session. The Supreme Court is back granting and denying certiorari. The diplomats and the lawyers and the trade associations and the public relations men are back for another round. *The New Republic* is once again published weekly. The trumpet, as they say, summons us forth.

P. H. T.

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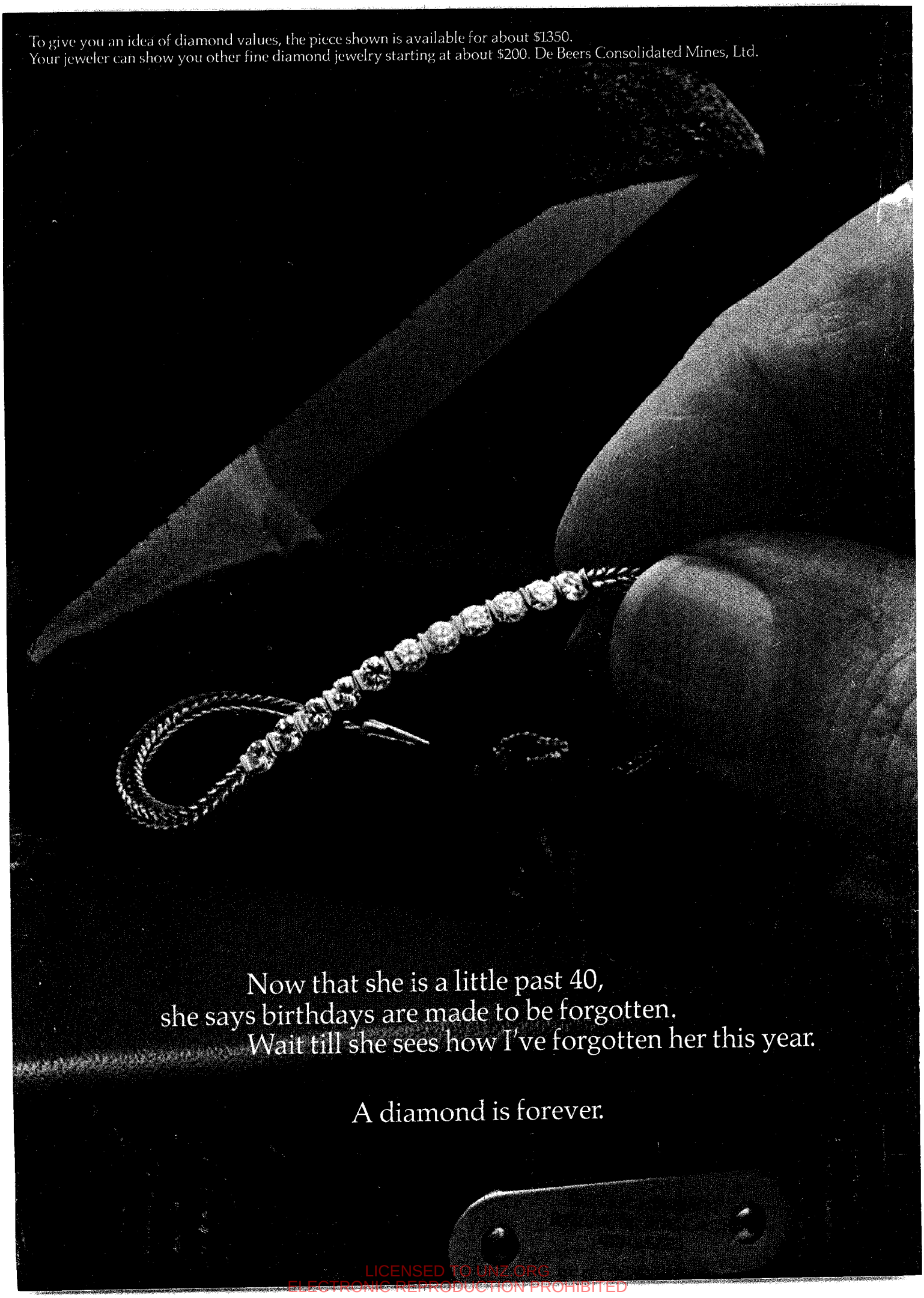

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